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ccMixter: Creative Commons in Action

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ccMixter: Creative Commons in Action

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ccMixter: Creative Commons in Action

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ccMixter.org, an online remix community that uses Creative Commons licenses to protect and promote their work, is a unique site of musical activity whose discourse is shaped by an egalitarian ideology. However, simultaneously exists a hierarchical structure in which some remixes are considered better than others. This report explores the coexistence of these two paradigms, and seeks to frame the discussion within the context of current IP policy politics, the open source movement, and fundamental shifts that the Internet has caused in communication.

Table of Contents

List of Figures

Introduction

Within this report, I observe the impact that intellectual property policy has on musical practices, especially practices that take place online at ccMixter.org, a musical remix community that employs Creative Commons licenses to protect and promote their work. As an especially insular community that has little connection to outside influences such as radio and genre definitions, ccMixter succeeds in developing an internal system of politics that revolves around a discourse of egalitarianism. This discourse, however, coexists with a system of hierarchy in which some remixes are judged as qualitatively better than others.

To demonstrate how online activity has rapidly and comprehensively changed the ways we consume and perceive musical content, I consider it necessary to discuss the broader context of intellectual property on the Internet. Therefore, I explore the issue of piracy and its effect on legislation. Additionally, I investigate how legislation informs Internet use as well as the ways that new approaches to IP, such as Creative Commons, offer alternatives to the current hegemony of IP regimes. Furthermore, I discuss the impact that Creative Commons has on Internet musical activity outside of ccMixter, considering purely online activity as well hybrid experiences involving the Internet and the physical world. By using psychological paradigms to consider how Internet users think about piracy, it becomes clear that the Internet has not simply changed the medium through which many people communicate, but the actual processes and modes of communication themselves. The remix is one example, especially in ccMixter's novel

usage of the term.

Computing technology impinges on culture in an asymmetric and power-contingent manner. It also frequently provides a space in which a culture with the same asymmetries can exist. At ccMixter.org, an online music sharing community, these asymmetries play out under a musical and textual discourse of egalitarianism provided by Creative Commons. Central to understanding ccMixter.org are a number of important concepts, each of which have historical context and a dynamic relationship with one another. They include the remix, Intellectual Property policy, and notions of authenticity.

A remix consists of borrowing components of a recorded song, such as melody, harmony, or rhythm, and placing them in a new framework, often for a new purpose. Conversely, a remix might be created through stripping many of the original elements of a track so an equally distinct sound is achieved. Historically placing the remix requires some context.

In broad terms, computing technology has heavily influenced popular music in the last 150 years, and technological advancements have preceded and facilitated every single developmental phase of popular music. From the player piano, phonograph, AM radio, electric guitar, and multi-track recording, to the analog synthesizer, FM radio, cassette tape, CD, and now to the Internet, technological innovations have shaped the ways in which audiences interact with music. The practices of producing and consuming music that once took place solely in recording studios and record stores now often take place online, and must be governed by some juridical device, which we will later see as

copyright law.

Essentially, the Remix appropriates sections of an original musical expression into a new context, often for a new function such as for the dance floor (in the case of Disco and Techno) or the Jamaican dancehall (as was the case for Dub, arguably the first remix genre). At the very heart of the remix lies the desire for something new. Dub developed in the context of Jamaican sound systems consisting of two oversized speaker cabinets, a turntable, and a DJ who would attract audiences with novel material which was often derived from existing tracks stripped of their vocal lines. From its inception, dub was a product of technology. According to a number of sources, Rudolph "Ruddy" Redwood was the first to play The Paragons' "On the Beach" as an instrumental track in 1967, which quickly transformed into a generative new art form that we now know as dub. Artists— and especially recording engineers—found their audiences more interested in these "riddims," essentially songs without vocal lines, than in the original versions. This resulted in entire LPs of the same "riddim" to be remixed (or "dubbed out") in a number of different ways. By bringing the bass and drum tracks to the fore, dub succeeded in reinventing tunes using the same elements as their mainstream mix. As Chris Partridge notes, "Remixing *is* recoding, the reanimation of familiar music by the creation of new sonic textures for different sonic contexts….The remix recording creates a new artifact from the schemata of previously recorded music" (Partridge et al 1990: 38). So, although there is a relationship between the remix and its original, it is not simply mimicry or imitation; it is something new. As Paul Miller says, "[remixes] are interpretations—texts

that have been translated into a different musical language" (2008: 313).

Equally integral to the remix concept are its historical roots in two other streams of music coming to maturity in New York City in the late 1960s and early 1970s: Disco and Hip Hop. As Jamaican sound system culture became widespread on the island, it also became known in the Bronx, New York, as Jamaican immigrants acculturated the areas where they lived. As Jamaican immigrants settled in the Bronx, they brought with them the musical traditions of reggae and ska, as well as their dub remixes. These "doubles" of the originals became so popular that eventually some DJs would spin them exclusively. As the music found its way into house parties in the projects, the music amplified by DJs such as Kool Herc and Afrika Bambaata resonated with disenfranchised youth living in a postindustrial New York, thus planting the seeds of hip hop. Finding breaks, 1- to 4-bar phrases that emphasized a strong drum line, became a skill that gradually matured into the art of sampling, as technology allowed for new methods and trends to develop.

Another thread of musical activity that appropriated the remix concept was Disco. In the mid-1970s, gay clubs began to produce musical activity surrounding this new format in a response to the homogenization of rock music. Although not as lasting as the legacy of dub, disco was equally important in the development of the remix. Very often radio hits would be remixed for these dance clubs, adding elements absent in the originals and extending the tracks' lengths by several minutes. Since disco was functional music, its cultural capital drew mainly on the occurrences surrounding dance clubs— clothing, dance moves, and drugs. The 12" vinyl format extended a 3-minute song into the entire

length of the record, and could then be blended with a subsequent record, causing a continuous rhythmic pulse to facilitate dancing throughout the night. This eventually led to the development of House music in the 1980s in Chicago, and to modern techno and electro, mostly of European origin.

My purpose in tracing the origins of hip hop, disco and dub is to demonstrate the importance of technological innovation to the musical practices of listeners throughout the second half of the 20th century. It follows that, as computing technology has evolved, the remix concept has evolved as well. Additionally, I want to point out the importance of musical borrowing within popular music in the west, a musical tradition that Albert Murray calls "incontestably mulatto" (1990: 22).

On ccMixter.org, a website that uses Creative Commons to govern its sharing of music, users appropriate and share musical fragments more flexibly and entropically than the original remix concept ever allowed. Whereas conventional remixes extend songs into a dance floor format or strip the song of its non-rhythmic components, ccMixter's remixes compile any number of samples which may or may not form the basis for the track. The ccMixter community has set up a common pool from which all samples are drawn. Although discussed in depth in Chapter One, it is important to note the paradigmatic departure from sampling within hip hop and dance music described earlier.

The core component of music on ccMixter is a small piece of recorded audio, which is put into either the category of a "sample" or a "pell" (short for A capella). Most remixes consist of more than these audio clips, but all remixes, samples, and pells must

be licensed under Creative Commons in order to be published on ccMixter. When the concept of "original" is imbued within samples and pells, these sampled pieces of audio are without context. Typically, when a track is labeled as a remix, it retains a feeling of the original even though other elements are added. For example, when Donna Summer's song "Love to Love You Baby" was remixed for the disco crowd in 1975, elements of the original song were subtracted, and new sonic elements were added. Similarly, with a dubbed version of a reggae tune, the rhythm section is brought way up in the mix while other instruments are lowered or even removed. In both instances, some notion of the original is maintained, which signals a departure for ccMixter's use of the term remix.

With ccMixter, there is no original in the same sense as Donna Summer's remix. The only originality lies in the samples, which act as elements of a song rather than the song itself, begging the question of whether these can even be considered remixes and not original works themselves. Additionally, on ccMixter, there is a disconnect between the egalitarian ideology that its creators profess and the hierarchical behaviors that can be measured through download metrics. That is, artists who use the site think some samples are better than others, and this is measured by how frequently people download and use them.

Within much of the discussion on power and discourse, I draw inspiration and conceptual grounding from Michel Foucault's use of the two terms. Throughout much of his career, but especially in the 1970s, Foucault established a framework in which discourse was the result of an internal system of logic. When discussing criticism in a

series of lectures, he stated that the "essentially local character of criticism indicates in reality [it] is an autonomous, non-centralized kind of theoretical production, one that is to say whose validity is not dependent on the approval of the established regimes of thought" (1980: 81). The local nature of knowledge within criticism implies that it uses no references outside of itself, which is certainly the case for much of the knowledge production on ccMixter.

Similarly, power, in the Foucauldian sense of the word, is seen through various actions on ccMixter. Foucault states that "power is neither given, nor exchanged, nor recovered, but rather exercised, and only exists in action" (1980: 89). ccMixter's use of Creative Commons demonstrates the assertion of power through remixes, but also through a web-based discourse that does not concern itself with external indicators of power such as financial success.

Internet use and the influence of intellectual property policy are both at stake when dealing with any activity related to technology and music. Something more profound has happened with the widespread use of the Internet than with "old" media such as television, film, radio, and print. I will spare the theatrics that most authors seem to preface tech-related articles with and simply say that, for individuals who spend time online, music has taken on additional meaning that comes from its virtual existence. Distribution no longer requires a physical distribution system, and a fan base comes from virtual as well as live performances. Sometimes, physical and virtual musical experiences exist independently of one another, as is the case for whoever is the latest YouTube

sensation. At other times, they exist synergistically together, as is the case for most artists who make a living with their music. Examples include DJ Dangermouse, whose *Gray Album* was an online phenomenon before his live performances were ever as in demand as they are now, and Justin Bieber, whose "real-world" sensationalism is a product of his first performances on YouTube.

Since the Internet has fundamentally changed the way that much of the developed world experiences recorded music, watershed events like the creation of Napster, the passing of the Digital Millennium Copyright Act, and Radiohead's release of a freely downloadable album have all changed our understanding of what is possible for the music industry, as well as causing the enormous machinery of major record labels to slowly change the media and communication models that disseminate their merchandise. Prior to the events critical to this New Media formation, music was bought at record stores, and any hint of a virtual community had little to no bearing on consumers' experience of recorded music. In the mid-1990s, as bandwidth became more available, and as the MP3 became more widely used, digitally stored music became the format of primary concern to media conglomerates.

I explore in detail the impact of Intellectual Property (IP) policies on the ways in which people consume and produce music in the Internet era, a time which, for my purposes, begins in the mid-1990s and extends into the present. IP basically refers to the ways in which ideas are made into personal property. Although the specific case study in Chapter Three takes a look at the explicit use of Creative Commons, an alternative IP scheme to copywriting, there are more subtle ways that IP dictates acceptable uses of

musical ideas, many of which appear to be outdated and irrelevant to an Internet-based public.

To further explore the impact of IP on online musical experiences, I examine the mismatch of policy and practice. Within IP discourse, such a mismatch exists between the practices of Internet users and the policies that govern them, a disagreement that has yet to find resolution. One attempt, made on the side of lawmakers and their constituents in the RIAA, consisted of suing nearly 35,000 users who illegally downloaded music files. There is, however, no way to consider this effort successful.

In order to adequately understand the stakes in the IP debate, it is important to investigate why Internet users behave contrary to how IP policy dictates they should. Cognitive Dissonance Theory derives from social psychology and provides an interesting lens through which to look at the behavior of Internet users participating in behaviors that they know to be illegal. Essentially, Cognitive Dissonance attempts to explain motivation by making internal sense of possibly unfavorable situations. I use studies that have been carried out on university campuses to gauge the attitudes and motivations of people who download music. Since downloading accounts for so much of the music that people experience, it warrants a close examination. One possible rationalization could be that "everyone is doing it, so we won't get caught," or that they did not know it was illegal in the first place. By looking at users' behavioral justifications, I attempt to gain a better understanding of the underlying contentions that many seem to have with Internet-based musical activity as less legitimate than physically oriented experiences.

Finally, I look at a few different examples of sampling within ccMixter's musical community. I demonstrate how one sample is used in several different contexts, and attempt to determine if there is any context-dependent difference in musical meaning. If sampling does enact a different ontology than previous musical practices, then the question becomes: What are the parameters for meaning, and where do the variables for different sets of possible meaning reside? One possible answer is the discourse that surrounds the music on ccMixter's forums; another is the specific ways in which samples are used in a given remix. As I look at both of these possibilities in depth, my conclusion is that they are interrelated—there is no possibility of separating the discussion forum conversations from the songs that they talk about.

Chapter One

In this chapter, I argue that the politics of ccMixter.org is shaped by a specific cultural context that exists in its own private sphere, but is simultaneously connected to important events happening outside its boundaries. Because one of the assumptions about Creative Commons is that copyright is still an essential strand of our cultural fabric, the maintenance of rights is central to its goal. An essential element of Creative Commons is the policy change it has introduced, which I interpret as a move toward a power-contingent exchange that aims to provide egalitarian access to content, while allowing authors to maintain a sense of individuality. To elaborate on this paradox of egalitarianism coexisting with hierarchy, I discuss the environment that surrounds ccMixter's development, which fits into the larger context of the Open Source movement. This movement includes open source software and source code, as well as the copyright and licensing of all digital content. Lastly, I analyze a specific research method for ccMixter that involves a hybrid of ethnography and data analysis. Such a novel method is necessary for understanding the author-audience dynamic within ccMixter, which is a factor in how remixes are imbued with meaning.

CREATIVE COMMONS

Creative Commons has been in existence since 2002. An intellectual property scheme that seeks to rethink the sharing process, its most salient characteristic is its desire to equip an author with the ability to reserve some rights, while allowing others to use their work in ways the author deems necessary. Lawrence Lessig, Creative Commons' founder and champion, has written a series of easy to read, ideologically

charged books that expose both the flaws and benefits of how the Internet is structured and the impact this has on how people use it. His motivation for conceiving of Creative Commons (CC) was his dissatisfaction with the rampant use of the term 'piracy' to refer to online music sharing. According to Lessig, this paints any creative online activity as contraband and puts an overreaching amount of self-righteous, justice-wielding power in the hands of big media corporations.

By providing an array of tools at an author's disposal, CC licenses challenge the rigid nature of conventional copyright. Flexible and clear to those bereft of an education in law, CC allows an author to reserve some rights while allowing others to copy and create derivative works as the author deems acceptable. CC allows users to circumvent copyright law, as well as allowing them to use the two in tandem. Amongst the music communities I have explored, the most commonly used license is the one which allows artists to use the author's ideas as long as they are correctly attributed. ccMixter, an online music community that exists expressly for music written for noncommercial use, promotes this license because of its compatibility with the remix concept: taking fragments of users' audio files and incorporating them into one's own pieces, which are put back into the commons for others to sample. Other sites, such as the online music label Magnatune, use CC licenses to promote what they call "fair trade music," a music that is paid for according to its "real" value rather than an inflated one. As a record label, Magnatune licenses music to sell to those who would use it in advertising or to be synced with other video footage. As a freely available set of licenses that are available to the public, CC acts as an alternative to the traditional copyright structure, which, in the

United States and most other developed nations, is seen by artists as being overly protective of industry interests. Lessig opines that "we have become so concerned with protecting the instrument that we are losing sight of the value [of creativity]" (2004: 19).

A poignant albeit musically unrelated example of how current legislation does not clear up the conundrum of online content is currently developing within other web-based media. Recently, Google took down several music blogs because of copyright infringement. Songs that were directly inserted into the blogs apparently were not cleared for such use, and were certainly outside the boundaries of what is known as 'fair use' in conventional copyright language. Used as a case study within Lessig's *Free Culture*, blogging might be the most prominent example of how sources are used to "riff" off (2004: 42).[1] As Lessig mentions, most effective blogs are concise and contain a direct statement pertaining to a news item, a YouTube video, or a musical example. This is a clear case of how CC licenses could provide a more relevant solution: even though the works were unofficially cleared by the artists for use in the blogs, traditional copyright prevents outsiders from using and distributing the songs in question. Had the artists agreed to a CC license granting the bloggers the ability to post the work without making a profit, the entire debacle could have been avoided.

Although the phenomenon of piracy has generated an extensive literature within cultural studies and Internet law, it is worth briefly observing the effects of Internet communication on the music industry. Lessig states that "the Internet makes possible the

[1] Like the musical sense of the term, "riffing off" of someone in the context of a blog refers to the act using a short piece of information, either text or music, as a basis for elaboration or clarification. In the case of music that can be played directly from the blog, the riffing would consist of providing more information, such as tour dates, a review or analysis, or an interview with the artist.

efficient spread of content. Peer-to-peer (p2p) file sharing is among the most efficient of the efficient technologies the Internet enables. Using distributed intelligence, p2p systems facilitate the easy spread of content in a way unimagined a generation ago" (2004: 18). Generally, media corporations see this spread of content as a plague rather than a blessing since it prevents them from receiving compensation for their work. And because their conventional distribution chains no longer act as content gatekeepers, the most common reaction is to panic—hence the plague of lawsuits and legislation aimed at curbing piracy in the last 15 years.[2] According to Lessig, current copyright law proves largely irrelevant to what Arjun Appadurai calls a technoscape, a community whose basis is technological rather than geographic. Although Appadurai could not have predicted how apt his description would be, the Internet is the quintessential technoscape (1996: 40). Although copyright norms will hopefully catch up to this technoscape's current climate sooner than later, the fact that economic and political power resides on one side of the argument creates difficulties for musicians who use Creative Commons licenses.

Lessig stresses the advantages of CC in that its policies do not infringe on the intrinsic connectivity of the Internet. On one front, careful attention to the transnational communication found online bolsters such an emphasis. To date, 32 countries have ported existing licenses for their own national context, often in conjunction with federal levels of state and schools of law. All of these licenses are cross compatible, and funds are often dispensed to projects across the world that promise to forward the goals of

[2] Although the RIAA has issued a large number of lawsuits to individuals, companies have also been shut down because of downloading . Limewire is the most recent example (Kobashi 2010: 1).

Creative Commons. While the communication through the Internet cannot ignore the presence of national boundaries, it is more accurately defined as a medium that transgresses them than as one that bolsters their existence.

Problematically, mainstream media usually ascribe an extremism to the Creative Commons movement. In *Music and Cyberliberties*, Patrick Burkhart pairs Creative Commons with "Copyleft," a movement whose ideological goals could be considered extreme (GNU: 2011) (Burkhart 2010: 44). However, while perusing the organization's website and considering the implications for how widely its efforts have been received transnationally, one finds difficulty in seeing its solutions as extreme. The case is rather the opposite, in fact. If implemented across the Internet, very little is at stake for owners of intellectual property, since so much copyrighted material has been violated already. As specialists at YouTube mention, collateral benefits await authors who allow their musical content to be reappropriated in new avenues (TED 2011: 1). Traditional copyright only allows for exceptions within Fair Use, and never deals with the manifold instances in which the Internet challenges Intellectual Property.

Creative Commons provides six basic licenses to the public: Attribution (CC-BY); Attribution Share Alike (CC-BY-SA); Attribution No Derivatives (CC-BY-ND); Attribution Non-Commercial (CC-BY-NC); Attribution Non-Commercial Share Alike (CC-BY-NC-SA) ; and Attribution Non-Commercial No Derivatives (CC-BY-NC-ND). In addition to providing this licensing structure for the Internet (which implies that traditional copyright is not suited for the dramatic shifts that the Internet has caused), these six licenses allow an author to determine which rights he or she grants to consumers

and which they withhold. On ccMixter, the most common license is the "Attribution Share Alike" license, which allows samples to be remixed provided that attribution is given to the original author and that any derivative work also uses the "Attribution Share Alike" license.

So, although Creative Commons does take an ideological stance on intellectual property, its real aim is to provide a practical vehicle for authors of any content to publish without fear of "piracy." Although CC does not fit squarely in the ideological camp of the open source movement, it is important to frame it within this context to better understand the greater debate over IP policy.

OPEN SOURCE

There are two aspects of open source that are equally important: its business models and its community involvement. These two components of open source also contribute equally to its success most notably in software, but also in such fields as music, health, science, and robotics. Arguably, the open source mindset has been present as long as software development has, dating back to the 1950s and 60s within the institutions of MIT and UC Berkeley.

The ideology behind open source puts all the "code," as well as tools for manipulating it, in the user's hands, with the understanding that all newly produced content should be put back into the commons for further development. For the most part, this is how the open-source operating system Linux has grown from an initial "kernel" to a large and productive body of code. Linus Torvalds, a Finnish computer scientist and creator of Linux, wrote the operating system as a student, and its central content and

structure are still used on all such systems today. Currently, Linux powers a large percentage of Internet servers, as well as an increasing number of personal computers.

Open source software has become a viable investment even for large corporations. IBM, Sun Microsystems, Google, Microsoft, and Intel have all made efforts to implement open source code and feed their results back into the free licensing domain under the GNU public license. However, this doesn't mean that open source exacts a reciprocal amount of openness from all the code that is generated. Many companies copyright software that is built using open source code, but might also offer free licensing that charges royalties for derivative works or for commercial use. A growing number of handheld devices now run Android, a version of Linux that Google has modified for mobile phones, e-readers, and tablets. Although it seems counter-intuitive for a company whose survival depends on selling code to give it away for free, Google and other companies have developed a number of business models that allow open source to generate profit. One method is to give away software while selling services that enhance the use of that software. For example, Ubuntu, a Linux distribution that is geared toward personal use, is free to download, but Ubuntu One, its cloud computing solution, is a subscription-based service for which users can pay a monthly fee. Interacting with Ubuntu customer service must also be paid for in advance. However, as Ubuntu code tends to be open source, the “sharing mentality” usually leads to users assisting other users. This interaction has resulted in a community-driven help forum that answers most common questions.

If a user makes an effort, it is entirely possible to live only in the open source "universe," and even this is considerably easier than 10 years ago. Although such a practice is very much on the periphery, an array of tools at any user's disposal allows him or her to own a personal computer without having to purchase any software. This becomes important, especially in the realm of audio production, since virtually any task typically completed with commercial software—image editing, web design, DJing, video production, word processing and presentation—can be done through open source software. Traditionally, hardware and software have been the highest barriers to entry for individuals interested in creating, capturing, and editing computer-based musical content. Now that an arsenal of tools is available to anyone for free, the challenge shifts from obtaining the tools to being able to produce culturally meaningful results. [3]

However, as noted earlier, the open source mindset extends beyond software development. It extends to hardware, musical practices, copyright (which will be discussed soon), and even beer. Its philosophy encompasses facets of every industry, and therefore has a wide base of advocates. Evangelia Berdou says open source software "is frequently identified with a movement founded on the ideals of the hacker culture and espousing the idea of community. It is increasingly being associated with the new business models, inspired by approaches that emphasize the innovative potential of expert users that are emerging as firms attempt to learn how to profit from innovations developed outside their boundaries" (2011: 3). However, since open source projects are

[3] In the case of any given community, whether that means a nation or an online community such as ccMixter, "culturally meaningful" results have certain parameters that should not be confused with one another. Top 40 radio in the U.S. has a certain aesthetic, and ccMixter's are quite different from these.

often funded by corporations whose employees contribute to bodies of free code while also strategically gathering code that has already been placed in the commons, the "hacker culture" that Berdou mentions is now being transgressed as the rabidly anti-institutional becomes institutionalized.

MUSICAL USES FOR CREATIVE COMMONS

A variety of approaches have been taken to integrate the Open Source mentality into both on- and off-line musical communities, especially when it comes to digital content usage and licensing. These approaches include (1) Creative Commons, (2) releasing material directly into the public domain, or (3) through the GNU Free Document License developed by the Free Software Foundation (FSF). Within the public sphere, "free music" is unfortunately connected to illegal downloading and copyright infringement, and it will take quite an effort to establish the production of CC music as legitimate.

Piracy is a real problem, especially for the RIAA, as well as other corporate media interests. Although the Copyleft tends to take blows for being an extremist, philosophically driven community bent on extending the public domain to include *all* content, its constituents are often less in favor of "no rights reserved," and more in favor of the licensing flexibility that the Internet demands.

I would like briefly to look at a number of other "Free Music" websites, all of which utilize various CC licenses, yet have different purposes. The larger purpose behind CC is to provide a broad solution that applies to any intellectual property and the activities surrounding it. In most cases on these websites, CC acts in tandem with normal

copyright, which not only provides website administrators with less confusion about which works might be infringing, but also allows users to give their listeners more freedom.

In addition to ccMixter, the following online musical communities use CC licenses:

Indaba – Indabamusic.com is a platform for collaboratively creating and popularizing recorded music. It features Mantis (Indaba, Mantis, see Figure 1-1), a web-based digital audio workstation that allows members to work together from remote locations. It also allows users to upload their original material, remix other users' tracks, and then sell or give away the subsequent mixes.

Concerning CC, Indaba says that they work "with Creative Commons to provide flexible licensing options for online collaborations and contests and hosts over 10,000 Creative Commons licensed audio clips" (Indaba, Partners). However, since offering only CC licenses has yet to be commercially viable, selling music in iTunes requires that Indaba also offer conventional copyright protection. Although users are not bound by CC licenses, as is the case with ccMixter, at the least Indaba's licensing is a nod to the changing trends of Internet-based musical activities. As a privately held company, Indaba has a staff that is paid to keep the site operational, which is not the case for ccMixter.

Figure 1-1–A screenshot of Mantis, Indaba's DAW

Aviary–Aviary.com takes a holistic approach to web-based media solutions, which means that they offer web-based image and audio editors that allow community sharing. Their mission is to "[m]ake the world's creation accessible" (Aviary: 2011). A large portion of the images and audio clips produced using Aviary are placed in a commons licensed through CC, although traditional © protection is allowed as well. As a privately held company, Aviary's product development is driven by profit, even though some of their community-building functions require no subscription.

SectionZ–SectionZ.com is an electronic music community that has been online since 1997, possibly making it the oldest free music website currently in existence. Their primary purpose is not remixing like ccMixter and Indaba, although if a song is licensed

using the “Sampling” or “Sampling +” licenses, it is certainly available for sampling. Also, many users submit the project files of their tracks, which gives other users access to the original stems, allowing easy retooling of any individual audio track within the song. SectionZ began using CC licenses shortly after they were released in 2002.

Jamendo – Jamendo.com brands itself as “a community of free, legal and unlimited music published under Creative Commons licenses” (Jamendo, About) As vague a description as that might be, it gives an understanding for the site’s functionality, especially in how it is different from ccMixter. All music is free to stream from their website, download to any device capable of playing common file types like MP3 or OGG, and artists can be supported through donations, advertising royalties, and other royalty schemes. In addition, solidarity with the open source movement allows them to fully integrate their website’s functionality into several open source media players: Rhythmbox, Totem Movie Player, Songbird and Amarok (Wikipedia, Jamendo). Their Performing Rights Organization option allows for music to be streamed to places of business, such as coffee shops and hotel lobbies, or to be synchronized with multimedia projects, such as films, websites, and advertisements (Jamendo, Pro).

Magnatune–Magnatune.com calls itself an online music label, something for which there is no precise description yet for consumers or producers. At one point in the history of the recording industry, a “major label” earned this title because it had its own distribution network. Therefore, the top three to four labels were the only “majors.” Outside of this highest echelon, all labels were independent and had to negotiate alternative routes of distribution in order to get their products on store shelves. Today,

however, an online label like Magnatune is primarily a distributor: that is to say, a label's conventional business (artist development and exploitation of contracts) has become ancillary to providing consumers access to artists' works.

Magnatune's tagline, "We Are Not Evil," associates a benevolent, honesty based sentiment with their business model, as is also noticeable from information on their website: "Dishonest people can always abuse the system**. . . .** We're trusting you to do the right thing, and introduce new people to the music you love. You'll feel good about it, your friends will thank you, and you'll help Magnatune prosper" (Magnatune, Give). Although this might be a clever marketing tactic, taking the moral high ground also wins Magnatune leverage over big media with which the public has become increasingly disenchanted. Just as Google's vow not to be "evil" is mostly a marketing ploy to identify them with everyday computer users (exposing employees to the public through tutorials and product spotlights is evidence of how everyone there is merely an "everyday" person), Magnatune's posturing as staunchly independent allows them to prosper.

Here we see the two sides of the CC coin–philosophical and financial motivation–and how they are difficult to separate. There is some definite overlap in the business model of Magnatune and Jamendo, most notably in ways that businesses can license music for use in places of business where customers expect to hear it in the background. The other major revenue stream for both sites is licensing music to be used in television, web pages, and film. Here, their competitor is not the other, but big media whom they claim to be 30 percent cheaper than. CC licenses provide functional purposes rather than representing an ideology with which their listenership resonates.

ccMixter

As an integral part of the CC project getting off the ground in the early 2000s, ccMixter holds a special place in the small realm of open source music websites. Cited often by Lessig in virtually all of his books, as well as anecdotally used by any visible proponent of CC, ccMixter's age and backing make it a unique site of musical activity. In addition, the ideologically centered rhetoric that it reflexively invokes allows it to claim the same moral high ground.

ccMixter was founded in 2004 by Creative Commons as a way of encouraging the licenses' use with remixed digital content. The idea of "remix," although originally and still most prominently associated with its musical connotation, has since been appropriated by Lawrence Lessig to indicate any cultural signifying that builds on previous material to create derivative works. *Remix*, his last book on the topic of intellectual property, has this to say about remixing in an interview:

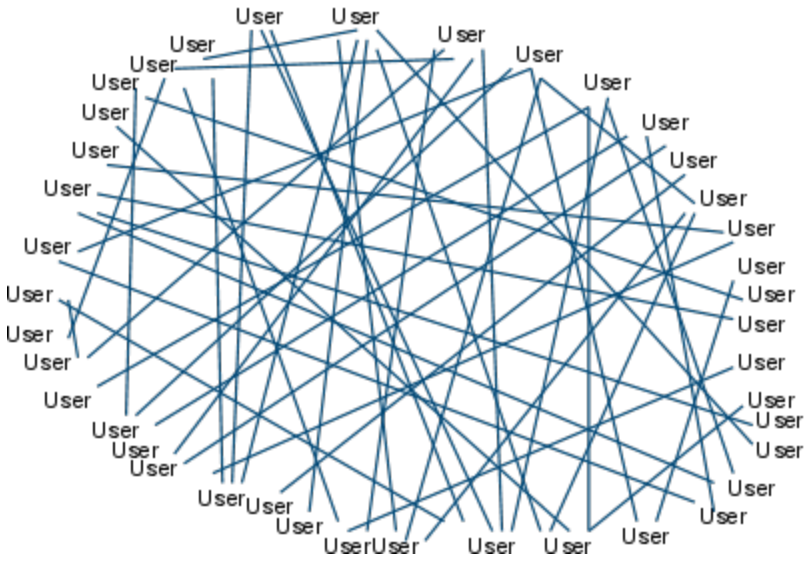
> It's good because it is, in essence, just free culture. Ideas impact data, manipulated and treated and passed along. I think it's just great on a creative level that everyone is so involved with the music that they like. . . . You don't have to be a traditional musician. You get a lot of raw ideas and stuff from people outside of the box who haven't taken guitar lessons their whole life. I just think it's great for music. (Lessig 2008: 14)

So, although any form of creativity, especially among young people, should be seen as something that can be remixed and drawn upon, music holds a special position as an art form that has both a legacy and a methodology that lend it to being mashed up**.** As is evidenced by the leading role that recorded music has taken in defining how the legal sphere deals with copyright violation, it cannot be denied as the most contested creative

domain when compared with other "pirated" material such as film and software. Victor Stone, the former director of ccMixter, writes the following concerning sampling and remixing music in his ccMixter memoir:

> The derivative phase of making music is so vital because the music being derived from has a proven track record of pushing the emotional buttons in listeners and is now being implanted deep into the neural pathways of the neophyte musician. He is learning the language of what works and what doesn't work in the form of acoustical disturbances in the air – specifically licks, riffs, intervals, chords, rhythmic patterns, harmonics, wave shapes, etc. (Stone 2009: 6).

Stone here implies that the way any person might react to an auditory stimulus from ccMixter can result in a new remix. Of course, the samples downloaded and remixed the most prove to be ones most people listen to. The fact that all material is partially derivative does not have the stigma of unoriginality, but rather is celebrated as the utmost in creativity. Not only this, but the cultural connectedness of young Internet users creates a sense of community that consists of a series of lines drawn between users, lines that eventually create a net, and although the net may seem to derive its importance from its ability to support continued creativity, the fundamental importance remains in the connection between users (see Figure 1-2). To some degree, this means that as ccMixters gain ground in establishing legitimacy with other segments of the online music community, ccMixter should gain strength. Stone goes on to say that: "[s]hort of massive legal reform, the only alternative is to wait for CC licensed content to become part of a new generation of cultural references. Hopefully, that doesn't sound too far-fetched considering those of us in the open music movement assume that kind of event is inevitable" (2009: 7).


User
User
User

Within the culture of ccMixter, there are a few key symbols that users load with meaning. These meanings are quite dynamic, and so are external discourse that frames them. The resulting internal discourse comes in the form of the components mentioned above (pells, samples, and subsequent remixes), and a system of politics can be derived from the use of ratings and comments, download metrics, editorial picks, and podcast feeds.

Submitting material into the commons of ccMixter is a different task than releasing material that will eventually end up in the public domain after the author's death. The construction of an author fades as their work is lumped into the public domain, which is often seen as a place where old works go to die. Project Gutenberg is an online library of works that can be copied and pasted legally. They can even be republished and sold for profit legitimately. This practice of appropriating works into the commons should be cordoned off from the practice that ccMixters employ as they populate the website with remixes. They still retain authorship but are able to authorize the work to change hands and be remixed.

MORE FREEDOM FOR CCMIXTERS

CC allows listeners more freedom than copyright implemented by iTunes, Pandora, and other places where individuals listen to music online. As one of the few "consumers only" at ccMixter, I am not required to purchase any remixes I listen to, nor am I obligated to be aware of exactly who I am listening to at any given moment. Thus I can listen to the radio station that ccMixter has set up, but not be aware of authorship

until something strikes me as sonically interesting. That also means that, rather than burdening me, the listener, with the task of keeping close attention to who remixed which track, I can listen along until I hear something interesting. This phenomenon has much to do with the listening experience that most users face. Online, the magnitude of existing content is impossible to experience fully. Evidence of this lies in the sheer abundance of content played on online radio stations. Pandora, perhaps the best-known example, plays in the background of many users' days, often playing songs of which the user has no knowledge. Their taste is entrusted to an algorithm that will make decisions based on assumptions of that user's listening habits. In the case of SomaFM, another popular Internet radio station, DJs choose which tracks to play. In either situation, whether the decisions are being made by a person or a computer, the musical choices are being mediated by a hand that the user will never see: that is, there is no physical layer of mediation. This is a departure from conventional radio listening experiences that, for the history of mass communication, have required physical proximity to a station. This proximity erects an imaginary boundary that shapes the listeners' construction of (1) their listening community and (2) the type of relationship they will have to the music itself.

PHENOMENOLOGY OF THE RADIO

When I listen to a local radio station that plays regionally popular music and employs a DJ who inevitably will choose music idiosyncratically, I assume that his choice of music reflects the types of music that the community listens to. KUT, an independent radio station in Austin, Texas is a station that is especially known for being community-driven. They are dependent on the public to finance their broadcast, and they

play a larger percentage of Austin-based artists than most other stations in the area; their public service announcements tend to concern efforts of community building; and they are closely tied to the University of Texas at Austin, an institution that represents a large portion of their listenership. The lived experience of a listener, therefore, reflects on this notion of a physically derived community. This phenomenon takes Benedict Anderson's notion of an imagined community to task at defining how people consider themselves as connected to others (Anderson 1991: 26). In its original iteration, Anderson considers "print capitalism" the spark that set off nationalism in Europe and its colonies. Its basic premise is this: shaped by the invention of the printing press as well as the politics of language that occurred early in the modern period, the idea that a large group of people can belong to itself in a 'limited' and 'sovereign' way, yet never fully come in contact with each other, has shaped the current landscape of nationalism. A radio station challenges this community model because it is much more difficult to determine who belongs. Although KUT listeners might identify themselves as a unique community within Texas, they have many other identity obligations, some of which are more important than KUT: being a Texan, an American, a Democrat, a Doctor, and so on. Anderson's take on nationalism, however, necessitates the acceptance of possibly dying for one's country. A signifier of community, such as a terrestrial radio station, is invisible, just as the members of a newspaper's readership are incapable of physically interacting with one another. However, simultaneously lies the assumption that a great multitude of people listening to KUT generates discussion between friends, receives input from listeners via KUT's website, and keeps it funded and on the air.

Concerning the relationship to "locally" played music, there is a certain emotion evoked from listening to music that is locally popular, something that could vaguely be called *communitas* (Esposito 2010: 1). To a listener of KUT, each song bears a meaning that is framed by the context of the community within which it occurs. At the moment a listener hears a song, a number of things occur: He or she is aware that the DJ chose a certain track, which imbues him or her with some cultural capital. They are also aware that the song itself has important signification, such as representing the work of a local artist or a group that is not local yet still resonates with a certain local audience. Those two events work at marking the song as meaningful to the listener. There is also a high likelihood that a particular artist performs near the listener regularly, and that the group of people they socialize with will find the same music compelling for similar reasons. Most listeners will resonate with a particular song through a complex system of culturally important markers, which act as hidden motivations that give context to the listening public. This is *why* people listen to the radio.

Now I can compare this experience with the radio to the listening experience of Internet-radio users. Depending on the station that a user is listening to, a number of motivations and succeeding experiences feed back into the way that the user imagines how they listen to the station. Most often, a user finds an Internet radio station because of a specific musical interest. Since such a large amount of content is available online,[4] the

[4] To have an idea of the scale, consider the amount of content much greater than what would be available in the world's largest record store. As barriers have been lowered to entering the commons of musical content, the content itself has proliferated. Less effort is exerted in making music available to the public, which grants nearly anyone with Internet access the ability to put his or her work online. This must have exponentially increased the available content.

search usually begins as just that: searching for “acid house” or “world music” Internet radio stations on Google or Yahoo. It should follow that the community for such a radio station no longer revolves around a physical location, but around one that holds aesthetics as their unifier. A discourse about the musical community is often lacking since most Internet radio stations do not provide venues for discussion. Besides some rare exceptions, there is nominally no way to interact with the community, which begs the question of whether a community can be substantiated through a one-way communication model. Within a physically situated community, there is an understanding that people you see also experience something you can hold as a commonality. As I socialize with fellow students and friends within a physical community that holds music as an important value, our tangible, visceral interactions symbolize “real” action when compared to the sorts of interactions that occur within Internet radio communities.

Numbers play a large part in the construction of Internet radio communities, too. As there is no textual or verbal interaction, the number of people currently listening to a station or who have downloaded a certain podcast or remix allows a listener to imagine the group of people that is simultaneously listening. Another clue for how to define such a community is connecting different pieces of information in new ways. So, when I find a remix artist on ccMixter whom I really enjoy, I can search Google for that person’s name and find out they have a Facebook profile and a Twitter account, both of which I then begin following. By connecting these different social networks with listening practices, ccMixter artists acquire a deeper meaning than if they existed in a vacuum.

When it comes to the music itself, the sounds begin to symbolize a virtual space, something quite disparate from the physical space that terrestrial radio sounds represent. This means that the two semiologies, virtually- and physically-derived, could wrap themselves around the exact same sonic event. As a song is streaming from a server to my ears, this trajectory is notably different from when a song starts at a radio tower. When the choices are completely devoid of a locational reference, then the song takes on meaning related to other markers, such as notions of transnationalism, eclecticism, cosmopolitanism, and belonging to an insider group that "gets" a certain musical aesthetic. Although musicians often feel this sense of being "inside" from listening to similar musical styles and then referencing them in playing, the fact that a similar emotion allows listeners all over the globe to resonate with a certain musical idea creates a different sort of *communitas*.

Although Donna Haraway's formative essay "Cyborg Manifesto" was penned in an attempt to intervene on the part of poststructuralist feminism, its theories have been borrowed by both cultural studies and New Media scholars to deal with the ways in which computing technology, especially in the latter half of the 20th century and the beginning of the 21st, facilitates a discussion of the relationship people have to machines. Haraway posits that

> "[t]he boundary between physical and non-physical is very imprecise for us... Modern machines are quintessentially microelectronic devices: they are everywhere and they are invisible...Writing, power, and technology are old partners in Western stories of the origin of civilization, but miniaturization has changed our experience of mechanism. Miniaturization has turned out to be about power; small is not so much beautiful as preeminently dangerous, as in cruise missiles... and these machines are eminently portable, mobile -- a matter of

> immense human pain in Detroit and Singapore. People are nowhere near so fluid, being both material and opaque. Cyborgs are ether, quintessence" (Harroway 1991: 153).

By creating such a fractured sense of identity, the Internet succeeds in rerouting power through new avenues that blur the traditional physical/non-physical divide, and online ethnography is one method to discuss power in relevant terms.

ONLINE ETHNOGRAPHY

Just like ethnographic methods that were developed in the mid 19th century and subject to social changes that have occurred throughout the last 150 years, Internet ethnography is in a descriptive phase that needs development to really prove itself theoretically freestanding. In a burgeoning field that is still largely descriptive, Internet ethnography is beginning to develop a nominal set of practices, much like "live" ethnographic methods have developed an entire protocol that is taught to anthropology undergraduate students. It seems logical to assume that, eventually, the practices of Internet ethnography will eventually make their way into these classes, as it is nearly impossible to consider fieldwork without the use of the Internet.

I use two different justifications for such a statement. Firstly, there is no shortage of Internet-access in many places that anthropologists will find themselves. Often in the developed world, the informants that anthropologists study are "hardwired" into using the Internet on a daily basis–which should come as no surprise since the anthropologists themselves are often consumed with Internet use. Secondly, as reflexive as fieldwork has become, and as wide a definition as fieldwork has garnered, we need to minimally

account for how the Internet (and computer use more broadly defined) affects the way we do fieldwork. If I conduct interviews using a computer to record and transcribe audio, email other anthropologists for advice, compose a blog throughout my fieldwork experience, or even visit Facebook regularly as a part of my daily habits, then these forms of communication should be accounted for by firstly recognizing them as new. As Buchanon points out, "The environments that exist on the Internet should not be seen as a new, different form of reality, but rather as part of a reality that includes several different communication modes" (2004: 49).

As participatory observation has become an important component of fieldwork, I have considered what it might mean to participate *and* observe on ccMixter. My initial reaction to such a question is that the Internet, as a cultural space, is something I am deeply familiar with. I spend hours on the Internet every day, and I have for years. My first exposure to the Internet was at a formative age, somewhere around 8 or 9 years old, which means I've been living with it most of my life. Most theoretical writing about the Internet is produced by authors who began using it as young adults, at the earliest, and this seems to be an important distinction for understanding the manner in which they describe it.

However, simultaneously, there is the requirement to step back and observe the Internet's users' behavioral practices, like any cultural anthropologist would do. Regardless of an anthropologist's experience with a given culture during fieldwork, they are required to describe events and endow them with meaning. Simultaneously, their account must be devoid of the culture shock that stems from language acquisition and

cultural adaptation that requires a certain amount of time and energy to overcome. One study suggests that "[o]nline ethnographers can gain access to a field setting and recruit potential research subjects by displaying cultural competence of the norms of the group" (Garcia et al 2009: 60). So how does a person "display cultural competence" online?

Internet-based modes of communication do compel researchers to think in new ways. René Lysloff sums this up by saying that "fieldwork on the Internet is also about difference, but along entirely new lines" (Lysloff et al 2003: 27). But how do we trace these new lines? As is often a concern when exercising sensitivity to new cultural situations, establishing a theoretical basis for research often starts with changing the language of a phenomenon. As Debora Halbert suggests regarding new approaches to defining the public domain, "we need to loosen the tightly controlled idea of property to provide room to understand the creative process" (2005: 38). Just as property must be redefined, so must conventional notions of fieldwork. There are several possibilities for re-imagining this practice.

One study argues that "in short, the ethnographer should attempt to experience the online site the same way that actual participants routinely experience it" (Garcia et al 2009: 69). In my case, the time period in which I had to complete a certain project limited real immersion: that is, an ability to experience the community in a way that ccMixters themselves experience ccMixter.org. This does seem to have an analog in physical fieldwork, in that usually an anthropologist's time is relatively short–typically between 6 and 18 months. This length of time does not grant them the ability to become a member of a community, ever transient though it may be. In fact, it is often one of the harshest

critiques of the ethnographic method, that researchers pop in for some sort of visit to a community, and despite their efforts to participate, are always seen as outsiders.

Within ethnomusicology, Bruno Nettl is seen as a scholar who bridges the past with much of the disruptive practices of the present. He states that "throughout its history, [ethnomusicology] has had a good bit to say about fieldwork as part of research design, ways of dealing with recording and filming machinery and video, general principles of intercultural relations" (2006: 136). The ethnographer must be "highly self-critical, realizing that many approaches inevitably lead to false conclusions and dead ends...and be ready to start over" (2006: 137). Typically, an ethnographic account consists of telling of a lived experience. In certain cases, a lived experience can just as easily consist of a set of online experiences as it could the experiences that face-to-face encounters produce. In an effort to connect the physical world to online experiences, I have tried to think as "normally" as possible about the content available on ccMixter. The sort of "thick description" that Geertz suggested in the 1970s seems to get ever thicker with an added layer of mediation, and the connection of people to machines warrants a careful consideration.

A second approach is for an ethnographer to "consider carefully their initial presentations of self to their research subjects" (Silverman et al 2011: 250). Although my research experience has mostly consisted of "lurking," reading content without contributing, I did post an announcement of an intention to document users. (See Figure 1-3.)

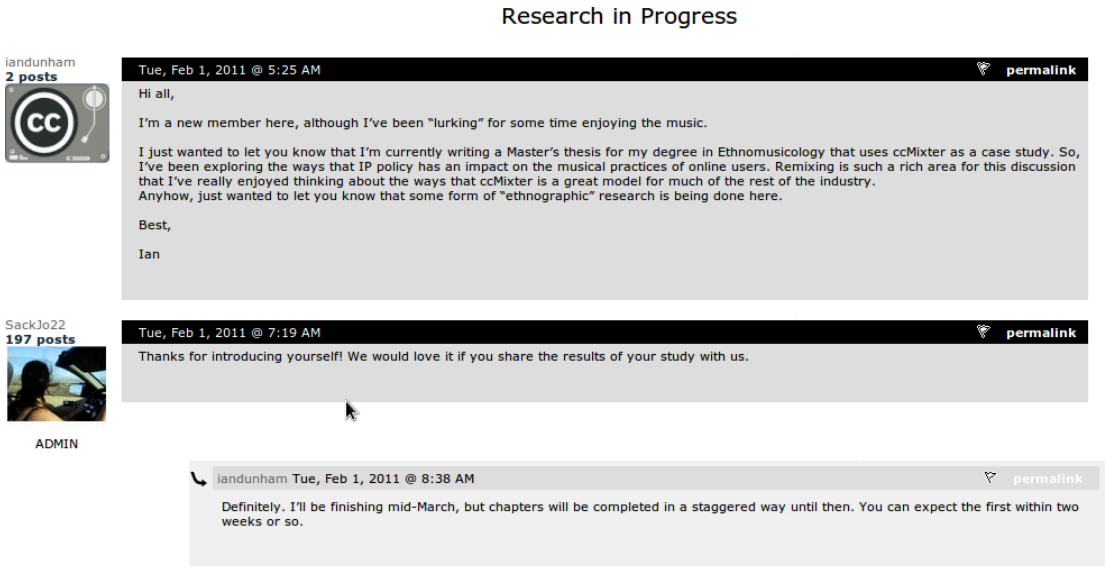


Figure 1-3–My introduction to ccMixter's community

Such an announcement with no negative reactions (to date) seems to have sufficed for an introduction. However, having said that, I concur with further findings on the research that online ethnographers conduct: "We found that researchers are faced with the same problems as those of their research participants: how to communicate, present oneself, and interpret others' presentation of self in a technologically mediated interactional environment" (Garcia et al 2009: 78) Lysloff took it upon himself to fully participate in an online music community, going through the process of learning their practices and involving himself as a composer as well as an anthropologist, but writing a largely descriptive essay concerning the mod scene (Lysloff et al 2003: 32). He also concludes that "all communities are based less on material and embodied proximity (humans sharing physical space) than on a collective sense of identity, of feeling that one belongs and is committed to a particular group" (Lysloff et al 2003: 55).

Sociologist Sherry Turkle describes the interaction between people and machines as epistemically afield from other experiences within the academy: “Thus, more than 20 years after meeting the ideas of Lacan, Foucault, Deleuze, and Guatarri, I am meeting them again in my new life on the screen. But this time, the Gallic abstractions are more concrete. *In my computer-mediated worlds, the self is multiple, fluid, and constituted in interaction with machine connections*” (1995: 1, emphasis added). The theoretical groundings of poststructuralist thinkers seem to be pushing ideas about reality that the Internet challenges in new ways. Notions of authorship, the voice, and the body are all virtualized when their implications are considered in the context of the Internet. In addition, the added complexity of music creates a layer that must be accounted for.

Barbara Kirshenblatt-Gimblett considers how the Internet may take the physical body out of the equation: “What is the nature of 'presence' in a disembodied medium such as the Internet... How are locality and community established in a medium dedicated to the seamless flow of data through a network of nodes that are addresses and not places?” (1996: 23). The separation of public and private is often marked in new and possibly disconcerting ways: The physicality of a musical collaborative experience is equated with authenticity, so the redefinition of online musical practices as authentic actually redefines the space in which collaboration can occur.

Mary Gray, in her experience with adolescent queer communities in the rural American south, admits her own paradigm change occurred early in her ethnographic experience: “But as I would learn again and again, the everyday lives of rural youth I met complicate simple dichotomies...of private versus public experiences of queer visibility”

(2009: 89). Her subjects' use of websites as communication tools, as spaces for outing themselves, and for general identity construction, transgressed her previously held assumptions about the sorts of spaces adopted for public and private use. This transgression led her to a definition of a new type of space, boundary publics: "a variety of public spaces serve as key landscapes for queer identity work. I define these as...*boundary publics*: iterative, ephemeral experiences of belonging that circulate across outskirts and through the center(s) of a more recognized and validated sphere" (Gray 2009: 89). For ccMixter, its circulation certainly does map over the existing sets of experiences that users have, because their musical life does not start anew with their activity on ccMixter. Each user comes with a specific set of experiences that shapes behavior on ccMixter, which can be said of the web in general.

In the next chapter, I will demonstrate the importance of the politics of ccMixter.

Chapter Two

POLICY AND PRACTICE MISMATCH

Three important components of intellectual property policy and online musical practices-the law, technological developments that have allowed for these musical practices, and consumer psychology-intersect at the junction of how a musical community forms practices and the justifications for those practices.

In the months that I was considering the impact of IP on online musical activity, there was a thread of discussion on the Society for Ethnomusicology's email listserv entitled "Theses and Dissertations Made Available on the Internet." It began with a recent Master's graduate alerting the community to free, unfettered access to her thesis and her seeking advice on what to do about this problem:

> My master's thesis is featured on the site without my permission. The site presents, verbatim, the thesis abstract and table of contents and provides a link to the Digital Repository of the University of Maryland (DRUM) to download the thesis in its entirety...
>
> a) Some argue that sites like Projects Paradise deliberately facilitate plagiarism; visitors may illegally reproduce original work with ease.
>
> b) Featured works become affiliated with the many corporations advertised on the website.
>
> c) Site managers choose their own tags (mine is labeled with "multiculturalism," a term I never would have chosen to describe the thesis) for locating works in the search engine.
>
> d) Finally, members of the site can create commentary. For the ethnographers among us, how might that endanger our relationships with our research consultants, whose words and music are now open for practically unmediated and public critique from a potentially incredibly diverse audience? (Moore 2010: 1)

Although she proceeds diplomatically, it is obvious that this graduate student is concerned about who will read her work, and, more dangerously, what they might use it for. If her thesis is digitally available to any undergrad that has the common sense to copy/paste, then rampant plagiarism is possible. Also, judging from the flood of responses that the inquiry generated (nearly 50 to date) the issue is certainly a hot-button topic among academics. On one hand, it seems as though publishing a document, even within a University setting, releases some ideas into a commons that allows and fosters discussion. On the other, if the content is distributed beyond a hard copy in the University library and especially on the Internet, then authors see their creations as becoming "authorless."

The above example demonstrates the potential communicative power of the Internet, and why controlling content it is so contentious. For authors, issues of representation and control are at stake. For consumers, freedom to take books, music, and other content with them conveniently determines the issues they value. Before delving into the juridical conflict over the control of content, it is important to understand exactly how the Internet can be so powerful.

MUSIC ON THE INTERNET – SAMPLING AND HYPERTEXT

The Internet, more than print, radio, television, or film, has fundamentally changed the scale at which content is consumed, and this shift has had a deep impact on communication theory, especially that of recorded music. In fact, the Internet's creator, Tim Berners-Lee, now considers Internet access as a basic human right (Brodkin 2011:

1).[5] Recorded music's disseminative characteristics–that is, the ways it is consumed and distributed–raise its stakes considerably, both for proponents and opponents of IP reform. Physical distribution systems that once determined which tapes and CDs would be listened to and where they would be for sale no longer determine the listening community of any given piece of recorded music. This unlinking of recording and distribution breaks down national and transnational routes of communication for music and culture, and introduces new ideas relating to a person's connection to recorded music. These new ideas mainly consist of redefining the meaningful activities Internet users engage in as part of their identity construction, such as "illegally" downloading music from peer-to-peer services, generating their own musical content, and connecting these activities to other parts of their life world, such as discussing music with friends and going to live concerts.

Since anyone with an Internet connection can download, listen to, and create recorded music with resources they have found online, the potential for remixing is enormous, as Axel Bruns emphasizes as he coins the term *produsage*:

> We must strive, then, to develop an even more systematic understanding of the processes of communal and collaborative development of content which take place here….in collaborative communities the creation of shared content takes place in a networked, participatory environment which breaks down the boundaries between producers and consumers and instead enables all participants to be users as well as producers of information and knowledge—frequently in a

[5] Berners-Lee justified this statement by noting the empowerment the Internet provides: "It's possible to live without the Web. It's not possible to live without water. But if you've got water, then the difference between somebody who is connected to the Web and is part of the information society, and someone who (is not) is growing bigger and bigger" (Brodkin 2011: 1).

> hybrid role of produser [sic] where usage is also necessarily productive. (Bruns 2008: 21)

To date, there is a mismatch between the policies that govern online musical consumptive and productive practices and the practices themselves. ccMixter is trying to change that by providing a model using Creative Commons, an effort that has been met with doubt. Consequently, its success has been hampered by constant skepticism that "free content" will lead to rampant piracy and a breakdown of any notion of IP protection.

The problems with IP that have been discussed thus far lead to the practice of sampling being treated in contradictory manners by practitioners and lawmakers. This incongruity can be attributed to a number of factors, but most significantly to the contestation of its legal legitimacy.

The disconnect caused by practice/policy friction within remixing has its origins in the privileging of the sonic original, which has high fences erected around it that prevent it from being legitimately reproduced but by an elite few who can afford these barriers to entry. The Harry Fox Agency, which regulates the sampling industry, at least for works that are hegemonic and "mainstream," acts as the gatekeeper for legitimate sampling, a tactic that does frame the sample as a copy and the original as the "creative genius."

Discussing sampling in terms of an original-copy paradigm, however, is somewhat limiting. As Vanessa Chang points out, "This makes it tempting to imagine sampling as the ultimate post-modern exercise, the soundtrack to the Author-God's death scene" (2009: 145). Chang goes on to mention that sound operates in a fundamentally

different way than visual art such as paintings, photography, and film. She cites Thomas Porcello as saying "sound itself is of a transitory nature. It exists at points in time, but does not exist through time in the manner that a colour in a painting does." Because sound is of this nature, it is possible to imagine sampling as something other than "citing sources:" "Without the aural equivalent of quotation marks to call attention to a sound's status as sample, listeners who may have never heard the 'original' may not recognise that they are listening to a borrowed sound" (Chang 2009: 145).

Oftentimes, however, samples are used specifically *because* they can be aurally identified. At this point in the history of recorded sound, the practice of sampling has been prevalent for some 30 years. In hip hop, the practice has created some samples that are classics. As sampling has become ubiquitous in nearly every genre of popular music, certain samples have arisen as tropes, and artists within the production community understand the nuanced ways that "borrowed sound" can establish an artist's own authenticity. The Funky Drummer, a song by James Brown, is one such sample. As far as it can be measured, it has been sampled in more recordings than any other song. Among other classics are a number of songs by George Clinton and Funkadelic, "Amen Brother" by The Winstons, and "Apache" by the Incredible Bongo Band. Joseph Schloss, the author of *Making Beats: The Art of Sample-Based Hip Hop*, echoes a certain aesthetic amongst hip hop producers: "For hip-hop producers – who are highly attuned to the origins of particular samples – the significance tends to lie more in the ingenuity of the way the elements are fused together than in calling attention to the diversity of their

origins" (2004: 66). These are samples that, within the production community, are understood as exactly that: a fragment, or artifact, that had an original context, but has changed. The creativity lies in the manipulation of the sonic event, which, in a production environment, has no teleology. It becomes something new, created of old parts, in every iteration. Chang states that "the origin plays a unique role in the aesthetics and ethics of sampling practice, and is never simply ignored in the process of creation. Producers have a surprising reverence for the historicity of their source material, which might seem ironic in light of how the sample may seem to be stripped of its historic, semantic, and musical associations along with its context (Chang 2009: 145)."

Sampling is rhizomic, rather than hierarchical. Deleuze and Guattari's description of the rhizome situates sampling, as a practice, within a modular epistemology, rather than a rooted one:

> Unlike trees or their roots, the rhizome connects any point to any other point, and its traits are not necessarily linked to traits of the same nature; it brings into play very different regimes of signs, and even nonsign states. The rhizome is reducible neither to the one nor the multiple...Unlike the graphic arts, drawing, or photography, unlike tracings, the rhizome pertains to a map that must be produced, constructed, a map that is always detachable, connectable, reversible, modifiable, and has multiple entryways and exits and its own lines of flight. (Deleuze and Guattari 1987: 21)

So as a producer seeks to inscribe their work with meaning, each sample may bear no relation to the original, and may have a multiplicity of meanings that involves a highly context-dependent reading. I will explore this in more depth as I look at ccMixter's

epistemology and semiology, because samples are uniquely bereft of history within ccMixter's confines.

Marshall McCluhan, in his foundational work *Understanding Media*, states that "the medium is the message because it is the medium that shapes and controls the scale and form of human association" (2003: 203). So what implications does this have for the Internet, but more specifically, for Internet-based musical practices? In terms of communication theory, the Internet diverges from traditional models of sender and receiver. The possibilities for pre-Internet models were one-to-one. This holds true for radio, television, film, and print media. The "one" would be whoever is broadcasting the message, such as a newspaper, and was the source of news and entertainment for most Americans at a point in history. Amongst older Americans, there is still a sense that mainstream news sources like CNN and NBC are trustworthy as a sole source of knowledge. In the case of major record labels, this was also the case—the music that most people listened to on the radio and in their homes was of artists that were found, signed, recorded, and published by a record label.

If we are to take McLuhan seriously in the above statement though, "the medium that shapes and controls the scale" of online communication is far more complex than a simple one-to-many communication model. In fact, Internet based communication is multidirectional and influenced by peer-to-peer interaction. Examples of this are forums in which member "A" might post something (such as on the forums of ccMixter) and the entire world is able to view the post, but then member "B" responds to A's post, which is

a sort of dialogue, but is a potential “multilogue” since a large group of people can read and interact. Blogs set a similar communicative pattern, allowing an author and commentators to participate in a conversation which is viewable to the public. Perhaps the possibility of such a large-scale listenership is why Google removed a number of music blogs under the threat of the DMCA.

Blogging and remixing both involve a heightened sense of referencing that is unprecedented. Although notable cases have been made of musical borrowing in the past, the amount of material at a blogger or remixer's disposal is exponentially greater than what even the most experienced pre-Internet remixer would have had access to. This results in a more direct referencing of more disparate sources, all of which are protected by copyright, but whose author’s may not desire to be. The sorts of referencing that occurred before the Internet were relatively benign: mixtapes, copying vinyl to cassette tape, and other reproduction that necessarily involved physical media. The reason these were benign is simply a matter of scale, since the number and quality of these reproductions was extremely limited compared to the perfect quality and massive scale and at which digital content is reproduced.

In *Mix Tape: The Art of Cassette Culture*, contributor Matias Viegener states that "the mix tape is a form of American folk art: predigested cultural artifacts combined with homespun technology and magic marker turn the mix tape into a message in a bottle. I am no mere consumer of pop culture, it says, but also a producer of it. Mix tapes mark the moment of consumer culture in which listeners attained control over what they heard,

in what order and at what cost." Such a notion of production is multiplied as websites like Jamglue, Indaba, and ccMixter allow users to not only upload original content, but remix others, create playlists, sync music with video, and morph the sounds under their control, thus becoming a producer of pop culture just like the creator of a mix tape from a former generation.

This heightened sense of referencing is inherent within the concept of hypertext, a term that Ted Nelson coined in 1965 in a future-looking depiction of what the Internet might look like. In an article describing the presentation in which Nelson first used the term in 1965, the author describes the system that Nelson imagines as the future of personal computing:

> In this system passages of material would be translated into machine language and filed in the machine in any sequence. With the proper instructions the machine would print out any sequence the writer wished to try, freeing him from the necessity of keeping the ideas in his head. Mr. Nelson pointed out that we often do not think in linear sequences but rather in "swirls" and in footnotes. He introduced the concept of the hyper-text, which would be a more flexible, more generalized, non-linear presentation of material on a particular subject. (Wedeles 2011: 1)

However, at the very root of hypertext are some hints about how it might relate to authorship. As the article continues:

> The educational possibilities in the use of the hyper-text are vast. For example, it is possible that basic texts on a subject could be interindexed, so that the necessity and difficulty of tracing footnotes and rare sources would be eliminated. In this way the problems of information retrieval because of widespread writing today would be alleviated, making decisions in many fields easier...He indicated the excitement in the experiments regarding the nature of the written word. (Wedeles 2011: 1)

Whether or not Nelson's vision was achieved has yet to be determined, although it sounds very similar to the functions of Wikipedia, JSTOR, and other inter-media archives. At the very heart of the Internet's structural organization is the possibility, even the need, for copying and reinterpreting.

THE LAW - HEGEMONY AND RESISTANCE

Music has always been at the heart of IP policy. Recordings and sheet music were amongst the first items to receive protection, and throughout most of the 20th century, changes to copyright laws were in large part a response to technological developments in audio recording and playback. From the beginning of capitalizing upon the mass dissemination of songs, there has always been a struggle between two opposing camps. On one side is the desire to keep ideas free for distribution, and on the other is the desire to create incentive for content creation.

The point of departure is with the advent of the Internet, and that is where the majority of the following section focuses. Since the Web has fundamentally changed the way that people communicate, the amount of musical activity online has also proliferated. Whether this is qualitatively judged as “piracy” or “authorship,” there are a few specific activities that warrant naming—music filesharing, blogging, and sampling.

Rather than being tangential to a discussion of IP, the importance of musical content and practice is fundamental to the questions raised by CC, because of the ontological singularity of recorded music. The ability to record sound, which has only

been in existence since the late 19th century, is a phenomenon that escapes us quickly, but has the ability to be played over. Because of these properties, recorded sound must be considered separately from other media when discussing IP policy. CC proves especially useful for recorded sound, and some of the most contentious litigations over IP in the last ten years have centered on music.

Here, I will not trace the history of that litigation, as much of this information is common knowledge. However, some watershed moments are worth noting, such as in June 1999 when Naspter was released; the rise throughout 2000 and 2001 of other popular P2P platforms such as Bittorrent, Gnutella, eDonkey, Kazaa, LimeWire, and Freenet; and September 8th, 2003 when the RIAA began their campaign to end illegal file sharing. To date, the number of people sued by the RIAA is somewhere between 18000 and 35000 (Anderson 2009: 1). Only in the last decade has digitization affected the music industry, and both scholars and lawmakers are wrestling with how to make sense of practices and habits of consumers who, as we saw earlier, are increasingly becoming "producers." There is no question that the tactics of big media to use their deep pockets to strong-arm an unfortunate few have not succeeded in making file sharing disappear. The choice of who to sue often seems all too indicative of the inefficacy government action: The RIAA sued the most unlikely "criminals," including University students, elderly men and women, and a dead woman whose screen name was "smittenedkitten16."

Regarding the hegemony of the law and resistance to it, power is the motivator for both IP policy preservationists and progressives. However, this power, rather than remaining with a certain entity, travels dynamically between individuals who act as its vehicle. Michel Foucault describes this as "never localised here or there, never in anybody's hands, never appropriated as a commodity or a piece of wealth. Power is employed and exercised through a net-like organization" (1980: 98). Thus, the roles of the hegemonic and the resistant are never static and are comprised of a discourse that only references internal signifiers, which are mostly found in laws, and discussions concerning their possible irrelevancy. There are a number of forms that both resistance and hegemony may take, but hegemonic power is largely held by corporations, and this power is exercised at a number of different junctures. Firstly, hegemony in the form of institutions, such as the RIAA and the Supreme Court, is perhaps the most visible example of organizations exercising power to influence the avenues through which people can obtain music. So far, iTunes has provided the most legitimate option for the "Celestial Jukebox" in which certain types of content are available, although other companies are emerging with their own products and cloud computing solutions that will realize the potential of "always-on" content (Stone 2009: 20).

However, resistance is claimed strategically. There are advantages to being seen as a victim, since injecting an ethical treatment of the matter of piracy into the argument raises public support and also allows the argument to be framed in a strategically essentializing manner:

> As a defensive move, both sides are claiming the mantle of resistance. The EFF [Electronic Frontier Foundation] is resisting the overreaching of the entertainment industry that is attempting to criminalize the activity of "sharing", while the MPAA is resisting the tide of "piracy" that is depriving law-abiding owners of the fruits of their labour. Within international copyright, therefore, both sides of the conflict over content on the Internet claim they are the aggrieved party. (Moffitt 2009: 75)

Additionally, hegemony may also come in the form of current practices that must be legitimated by the RIAA. The number of people that have been sued, as well as the RIAA's general stance on piracy, indicates the type of power with which it operates, which also gives the RIAA the ability to shape the public perception of peer-to-peer music sharing through the specter of "piracy." As an example, one only needs to look as far as the public discourse surrounding the term. It is often synonymous with copyright infringement, which is practiced by an astounding percentage of the population. A Google search of the word generates a list of news items and definitions of copyright infringement (Piracy 2011: 1). The Pirate Bay, a website popular for its Bittorrent tracker, takes ownership of the moniker "Pirate" and uses it to fight against the generally accepted definition, as does Sweden's Pirate political party. As Lessig also points out, "as well as complaining about the "piracy" of mechanical music.... it wasn't really the law that mattered most in stopping this form of "piracy"...The labels blamed "piracy" for "an estimated $5 billion loss in 2002 alone" (2004: 5-40). In other words, there is a great deal of cultural capital at stake when we discuss piracy. At this point, ownership of the term "piracy" seems up for grabs by whoever can successfully co-opt it effectively, either industry or the public.

There are a number of authors concerned with a more basic fact about IP: that its use fundamentally changes the cultural fabric of a society. As an example, Kembrew McCleod notes that

> the expansion of intellectual property law into this domain of cultural activity changes the practices folk musicians engage in to the point that today's folk music is considered more of a musical style or genre (associated with Joan Baez, Tracy Chapman and others) or a section of a record store instead of a cultural activity with a long historical tradition. (2001: 39)

So, rather than being viewed as a space where musical practices shape particular kinds of meaning, IP policy has simplified "folk music" as a commodity that can be understood through recorded music. Not only that, but the sorts of music that are more "folksy" than others are determined by factors such as quantity of sales and downloads.

Furthering the point that IP law interferes with the potential development of certain musical genres, James Boyle states that "there is a danger that copyright will treat collectively created musical traditions as unowned raw material, but will then prevent the commercialized versions of those traditions" (2008: 130). In other words, the nature of copyright is discriminating against certain kinds of musical activity. In cultural settings that Western notions of IP find difficult to harness, such as in much of the developing world, the policies of the WIPO have been put in place. Community-centered knowledge, such as music passed down via oral traditions, does not receive any sort of protection

under the TRIPS agreement[6], and cases of the exploitation of this kind of knowledge are numerous in the pharmaceutical and recording industries (Brown 1998: 193-221). Related to the global expansion of IP policy is the epistemological discrimination that Western copyright law sets up by treating certain types of information preferentially. For instance, if a melodic phrase is seen as more or less "original" compared to some other musical characteristic like rhythm or texture, then the weight of a song's originality lies in its melodic content, even if this view clashes with other cultural perspectives on musical originality. James Boyle also makes the argument that copyright, as a far cry from a perfectly fair system, preserves the rights of some portions of the population more fully than others, using the U.S.'s black population as an example: "African-American artists were less likely to have the resources and knowledge necessary to navigate the system of copyright (Boyle 2008: 137)."

The fact that Creative Commons is an all-encompassing solution and the limited acceptance of its governance is a disagreement that remains a hurdle to its widespread implementation. Creative Commons, an intellectual property scheme that has grand goals of reforming copyright policy on a global scale, suffers from overt criticism and a lack of adoption by authors. Proponents of free content are sparse, and because of this, the motivations for both accepting CC and rejecting it are quite varied. Although seen as egalitarian by critics who oppose the concessions it makes to consumers, CC licenses also

[6] TRIPS, or The Agreement on Trade Related Aspects of Intellectual Property Rights, is an agreement created by the World Intellectual Property Organization whose goal is to unify IP policy across the globe. In the U.S., the Digital Millennium Copyright Act (DMCA) brings copyright policy into line with TRIPS.

come under a number of other criticisms. Firstly, the multiple licenses creates confusion (refer to the list in chapter 1) and are not all intercompatible. Secondly, their approach from outside of the law distracts citizens from the need to reform copyright policy from within. Thirdly, the free content movements that preceded CC are not fully compatible with any of CC's licenses, including its least restrictive, the Creative Commons Attribution License (Debian 2011: 1). Furthermore, Critics identify Creative Commons as a set of licenses that are not general enough for all IP, but rather only useful for "remix" cultures (Broussard 2007: 1).

Just as Congressman Frank Dunklee Currier of the early 20th century was a skeptic about the need to rabidly protect intellectual property, so am I of the opinion that freedom is the side on which to err. While questioning John Phillips Sousa on his lobbying to protect the publishing industry (the analog to today's Recording Industry), Currier made the point that, of all the protections that copyright law offered, public performance was one of them:

> Currier: Since the time you speak of, when they used to be singing in the streets . . . the law has been [changed] . . . to prohibit that. Is not that so?
>
> Sousa: No, sir; you could always do it.
>
> Currier: Any public performance is prohibited, is it not, by that law?
>
> Sousa: You would not call that a public performance.
>
> Currier: But any public performance is prohibited by the law of 1897?

> Sousa: Not that I know of at all. I have never known that it was unlawful to get together and sing.

A group of friends getting together to sing, as absurd as that is to illegalize, was one of the banned activities for copyright-protected music. Illegalizing the use of a copyrighted song in a YouTube video or blog post seems equally absurd to today's public, yet is part of the reality of Internet users of all varieties.

ile the Recording Industry is only responsible for a fragment of the music that filesharing distributes, they seem to have convinced the public that ending filesharing is the only solution to the problems it has created. By looking at psychological analyses of Internet users who download and listen to music, I wish to designate a certain behavioral tendency and its succeeding interpretation as useful for thinking about the IP policy that governs these users.

CONSUMER PSYCHOLOGY

In addition to examining the politics surrounding the consumption (downloading and streaming) and production (sampling and remixing) of recorded music on the Internet, I will use two psychological paradigms, Cognitive Dissonance and the Theory of Reasoned Action, both of which seek to explain the ways in which people behave in relation to "illegally" downloading music (Gupta et al 2004: 259). According to Cognitive Dissonance theory, a person's behavior needs explanation when it is not logical. In the theory of reasoned action, each human behavior requires explanation because of its importance to group interaction. Case studies involving downloading music

demonstrate what Patrick Burkhart calls the "colonizing" of the Internet and the ways in which it is hardly a finished project (2010: 65).

Because it is not strictly related to a specific musical practice**,** it is difficult to address the broader practice of downloading in a comprehensive manner. It is too expansive a topic to label as a specific phenomenon. People have multiple reasons for downloading: it is easy, free, technologically relevant to the playback devices in use, and most of the time, it does not get people in trouble. Consequently, it seems that scholars are still trying to come up with a descriptive language for filesharing. In general, it is usually seen as "piracy," which Lessig sees as ultimately destructive. Piracy is usually viewed in terms of its economic impact rather than as a social practice. Lessig also calls attention to the fact that, from its inception, copyright law has not been concerned with "amateur" performances, until now. Publicly displaying a film in a dormitory hall, although illegal, would hardly be considered worthy of a trial. Similarly, a person making mix tapes has never been chased down in a legal battle.

In addition to being too broad a practice to describe effectively, filesharing is an example of a communication model of which interactivity is difficult to gauge. As one study suggests, "these norms [of music filesharing] have emerged as a consequence of technological change and in opposition to existing copyright law" (Cox 2010: 1). Of all the literature on filesharing, none exists to describe the social practices it generates. Any theories on these social practices are based purely in market theory. "Nevertheless, many

people, especially college students, do not seem to regard music piracy as unethical" (Woolley 2010: 1).

One tool to approach the behavioral justification of illegal downloading is embedded within Cognitive Dissonance Theory, introduced by Leon Festinger in 1957. It "addresses how attitude change can occur through a process of rationalization" (Breckler 2006: 251-252). The textbook example of this is Aesop's fable of the fox that saw grapes in a tree that, upon first inspection, appeared desirable. However, the location of the grapes was too high to reach, causing the fox to assume the grapes were not worth eating, not ripe, or conjure some other justification for not climbing the tree to get them.

Consumers rationalize their behaviors through a number of justifications. As a form of "evaluation and diffusion," downloading a song illegally in order to decide whether it is worth purchasing is often the basis on which Internet users legitimize their behavior. It is also incredibly easy to download music illegally, often much easier than purchasing music through legal channels. This practice demonstrates the need for research on positive reinforcement. Thirdly, a behavior like illegal downloading becomes more likely if a person's peers also participate in the same activity – further causing a rift between legal statutes and personal ethics. Lastly**,** a study observing users who illegally download software shows that demographic data, especially age and gender, influence the likelihood and justifications for the behavior of certain groups. It can be assumed that similar data, although undoubtedly in different ways, affect the manner in which music is pirated (Gupta et al 2004: 259-260).

For some instances of the case at hand, cognitive dissonance appears in a backward order, in which an Internet user transgresses copyright law, and in doing so is aware of the deviousness of the behavior. However, he or she proceeds with the activity continuously by justifying its acceptability despite what the law may say. Alternatively, an Internet user may simply not be aware that what he or she is doing is illegal. This may occur quite often in nation-states that do not place an emphasis on private intellectual property such as China. For lawmakers, this sort of dissonance is resolved by educational campaigns, access to legal music, and stiff punishments.

Another possibility is that an individual might recognize the illegality of filesharing, but not consider it morally wrong. This behavior is reinforced by the likelihood that he or she will never be caught or disciplined. As a result, the user justifies his or her behavior as acceptable. Also, the social acceptance of filesharing reinforces the practice of downloading music. One study suggests that, among University students, there is no conviction that filesharing, even if it is illegal, is hurting anyone. The corporations that benefit from copyright law are, in fact, not contributing anything to the social well-being of the end user. In many cases, corporate entities are simply seen as evil.

A third possibility is illegal filesharing as an act of rebellion. In this case, no Cognitive Dissonance takes place, since acting out is exactly the user's intention. He or she knows that by downloading copyrighted material they might incur a massive fine, but proceeds anyhow. During the 2004 Superbowl, Pepsi aired a commercial featuring about

20 young people who were sued by the RIAA, but whose court expenses were paid by Pepsi as a gesture of affinity with a certain demographic - namely teenagers and young 20-somethings more interested in bottled water, energy drinks, and the Internet. Although the corporate hijacking of an injustice that gives young people solidarity was most likely seen as profane by hardliners, such a bold move does succeed in infusing different meanings into the symbolic act of downloading music.

There are many other scenarios that could be examined to discover motivation for filesharing, but these seem sufficient for demonstrating the type of Cognitive Dissonance to which I am referring. The mismatch between copyright policy and the actions that Internet users participate in represents a disagreement, however, it seems that IP law is unlikely to bend in order to acknowledge common user practices, and therefore, juridical normalcy seems out of reach for users frequently employing practices that are defined as piracy.

A number of studies show that, especially among young people, music filesharing is acceptable. Using the Theory of Reasoned Action (TRA) as a framework for analyzing filesharing as a social behavior, evidence suggests there is a strong correlation between the intention of behavior and the behavior itself (beliefs about filesharing shape attitudes towards it). If students are generally accepting of filesharing as a behavior, then they are also more likely to participate in it. Although this seems self-evident, it is worth pointing out as an explanation of the inefficacy of the law, or any other authority, trying to curtail filesharing.

A study relating the TRA to music piracy was conducted in an effort to discover whether TRA adequately describes the ways in which participants think about music piracy. TRA, a "model in which attitude and social norms predict a behavior mediated by an intention toward the behavior," allowed the researchers to make a number of assumptions. Most important amongst these was that piracy is not necessarily considered unethical by participants, and that it is socially acceptable to participants (Woolley 2010: 35). By administering a survey to University students asking them about their attitudes concerning music piracy, the researchers concluded that "students' attitude toward piracy and their perceptions of their friends' attitudes and behavior regarding piracy in a large part determine their piracy behavior" (Woolley 2010: 40). Because piracy is perceived as acceptable by certain demographics, a culturally irrelevant IP policy, such as the one currently in place in the U.S., demontrates the need for a policy change. Not only is policy reform imperative for Internet-based musical practices to receive protection, but it also will shape how the practice-policy mismatch will be resolved

By looking at technology, the law, and consumer psychology, my goal has been to demonstrate the importance of understanding the differences between practice and policy. Musical communities, which in some ways include all communities, must be increasingly aware of how IP policy has an influence on specific experiences.

In the next chapter, I will take a look at the ways that ccMixters ascribe culturally relevant meaning to different auditory symbols. To them, the conflict between CC policy and practice is not relevant; their discourse consists of people that already have been

convinced of the importance of CC licenses. Also, ccMixters do not compose music to make money. For those who are already a part of this ideological community, the stakes are lower than commercial songwriters and artists who receive financial remuneration for the content they create.

Chapter Three

Here I demonstrate the importance of unique methods of signification that build a sense of musical meaning within ccMixter.org. I will take a look at three separate remixes that were created as part of a larger collection of remixes, as well as the users that submitted these particular remixes. All three remixes have a sample in common. My conclusion is that, although the sample itself remains intact in all three remixes, the creativity and originality of each is maintained through a discourse that emphasizes the importance of collaboration. Also, the notion of difference that Chapter One discusses is exemplified through the individuality of each remix. Difference is pitted against the discourse of egalitarianism that ccMixter is built upon: "You are free to download and sample from music on this site and share the results with anyone, anywhere, anytime" (ccMixter: 2011). However, the paradox of free access to content is that the most original products come about through open sharing. The creative process, regardless of its medium or format, is foundationally one of absorbing influences that an artist is exposed to, and it actually strengthens the integrity of an artist's work to acknowledge these influences. By looking closely at three different sets of musical content that surrounds the

same pell, I interrogate the remixes to tease out the creative motivations behind using a vocal melody that the individual ccMixters know were used in other remixes (in this particular example, 28 separate remixes). Composing in such a seemingly derivative style becomes a contentious writing process when we consider the originality that is important to popular music. Although remixing and sampling, as discussed in the Introduction and Chapter One, is necessarily derivative, factors such as obscurity and unpredictability are the "original" attributes of conventional mash-ups and remixes. I then briefly explore the identity construction of gender within ccMixter in an effort to demonstrate that virtuality is an essential component of our physical existence.

The musical meaning within ccMixter can be considered within the framework of the remixing aesthetic. However, rather than dealing with references to popular culture, this framework deals with samples that are naturalized within specific contexts. One example of this is an individual call for remixes, which occurs every month or so on ccMixter.org. For each call for remixes, a sample pool is released (see Figure 3-1)

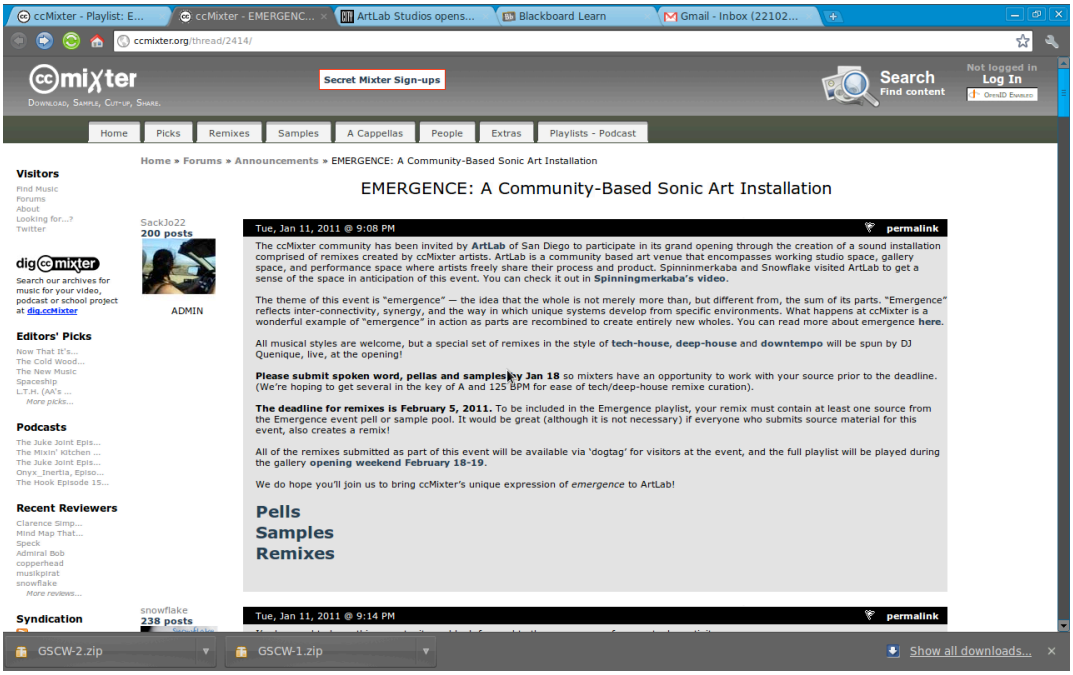


Figure 3-1–A screenshot of the Emergence sample pool access page

These samples are relevant to the theme of the call for remixes, which vary in nature. The names of the most recent include "Poolside Secret Mixter," "March Mixup Madness," and "Freedom to Share." Thematically relevant pells and samples are all drawn upon for that specific event, which creates an even smaller subset of samples from the main pool available on ccMixter. Ultimately, each call for remixes is seen as a collaborative effort between various members of the community. In their discussion, decorum is always maintained (see Figure 3-2)

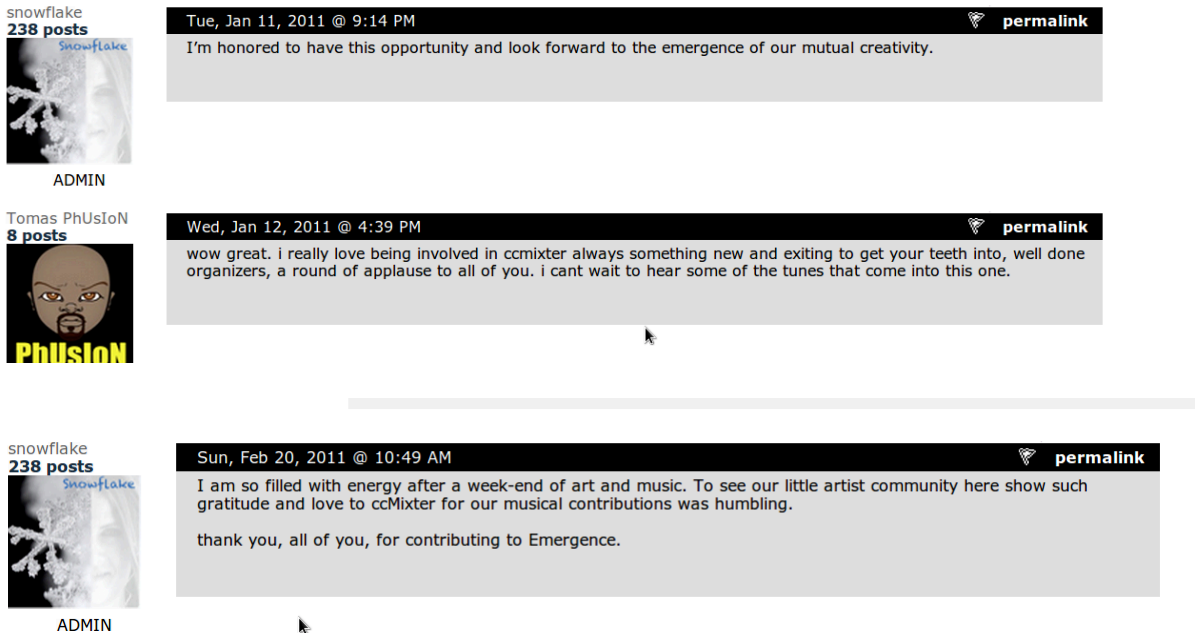


Figure 3-2–An example of dialog between two ccMixters

As can be seen from these comments, members value being able to contribute to the larger project, which in this case, is a set of remixes for an art gallery opening in San Diego. The theme of this remix project was "Emergence," for which the following explanation was given: "'emergence' – the idea that the whole is not merely more than, but different from, the sum of its parts. "Emergence" reflects inter-connectivity, synergy, and the way in which unique systems develop from specific environments. What happens at ccMixter is a wonderful example of 'emergence' in action as parts are recombined to create entirely new wholes" (ccMixter 2011). This statement gives insight into the modes of creativity that ccMixter values, as well as some general assumptions about originality. Using the sample pools is not only considered a creative act, but is actually a necessary component of participating in the community (songs that do not contain any Emergence

samples were not allowed to be added to the final Emergence playlist). In *Steal This Music*, Joanna Derners says that sampling and remixing are not seen as an act of copying, but of paying respect: "Fan fiction and mash-ups are transformative appropriations in which audiences co-opt cultural icons in order to pay homage to them" (Derners 2006: 79). By paying homage to an artist through sampling them, that artist garners respect. Through the gesture of respect-paying, the remixer challenges a simplistic notion of egalitarianism through differentiation. This occurs within various musical communities, including ccMixter.

EMERGENCE

The occasion for the Emergence call for remixes was an art gallery opening that lasted two nights, February 18th and 19th, 2011. It took place at the ArtLab of San Diego, which, in addition to being a gallery, acts as studio space for visual artists to rent out. The gallery was called "Emergence," and the sonic installation by ccMixters was a smaller part of the whole gallery. Separate from this was a live DJ set by DJ Quenique, who is part of the ccMixter community. As part of the gallery, a computer was set up with the final playlist of all remixes, and was played throughout the evening. Its incorporation into the visual art suggests that the collaborative efforts of the ccMixter community were equally valued along with the paintings against which it was juxtaposed. Additionally, there were a number of other musical performances that were not documented on ccMixter's website, but rather apparent in a number of videos that were uploaded to ArtLab's website. While these performances (which were not of a particular genre or style) took place, ccMixter's sonic installation was turned down, suggesting a struggle

between live music and the playlist, a privileging comparable to a painting being in the front of the gallery space, as opposed to nestled somewhere in the back. To avoid too much acoustic bleed, ccMixter's installation was placed in the back of the ArtLab, while live musical acts performed in a large front room.

A number of ccMixters were involved in logistically arranging the installation within the ArtLab, and were physically present during at least one of the evenings. It is not entirely clear who these members are, as they are called by their first or last names in videos of the opening, but go by monikers on ccMixter. However, this much is clear–that a number of the attendees were familiar with ccMixter's mandate, some were presumably active members, and the presiding characteristic these individuals valued in ccMixter was collaboration. Later I will try to challenge the collaborative discourse abundant on ccMixter with the realities about how differentiation occurs.

The sample pool was more specific than the general ccMixter pool for the Emergence gallery opening, and a number of pells and samples were submitted specifically for this call for remixes. Amongst them was a spoken word pell by the user Snowflake simply called "Emergence." Because of its prominence both in the number of mixes that used it and in the visibility of Snowflake as a ccMixter, I have chosen three different tracks that use this pell in different ways. Its lyrics are quoted below, and deal with the general concept that the gallery opening itself was centered around.

Notions of authenticity, although important in other studies within Ethnomusicology, do not ring true for ccMixter. Authenticity invites close inspection of a given musical practice or sample to discover its original genius. The moment that

Beethoven put a pen to paper, his work was considered authentic and often imitated. The freestyle of a rapper or the improvisation of John Coltrane stems from the musical or lyrical genius within. When authenticity is discussed, we are usually concerned with the representation of informants in the field. A Javanese Gamelan instructor, in one example by Ted Solis, establishes authenticity as not limited to "originality" or the "figure of the genius," but by other factors, such as being from Java, by coming from a musical heritage of years of Gamelan performance and instruction, and by being paid by a University as a Gamelan instructor (2004: 40). In commercial popular music, authenticity comes through financial success and measurable popularity. On ccMixter, authenticity comes through a number of discursive elements, some of which are measurable, such as download counts and playlist adds (the number of times a remix has been added to a playlist or podcast), and some of which are the result of culturally specific processes, such as producing sample packs that are widely used or physically participating in ccMixter events, such as the "Emergence" gallery opening. Also, users that have a significant number of forum posts and remixes are usually more highly regarded than new users, as is evidenced by the way that they are responded to on forums. Additionally, if someone is an administrator on ccMixter, it is notated on their forum avatar, which also provides a form of hierarchy between "normal" and more "authentic" users.

This discussion of authenticity also pertains to the specific forms of signification that occur within other insular online communities. Music blogs and other interactive sites mentioned in Chapter One create small "universes" in which the signification of certain actions can represent entirely new and reified kinds of meaning production. For

instance, on Indaba, similar collaboration takes place between users as on ccMixter, with the exception of a semi-commercial interest. For a nominal fee of $50 a year, Indaba users can take the work they've created and put it on iTunes, press CDs, and sell mp3s from a personal store (Indaba: 2011). Nevertheless, the site's rhetoric promotes a spirit of collaboration while creating differentiation through measurable factors like rankings as well as through editorial choices and discourse between users. Through such discourse, it becomes clear that a user creates meaningful musical content through certain activity. This meaningful activity consists of taking something from someone else as a musical basis, recording on top of it or remixing it, and coming out with new material.

On ccMixter, similar activity creates meaning, but without commercial or market-oriented elements. This results in music that is not artistically supervised by commercial sensibilities, which can be disastrous in some situations. In order to complete a musical analysis for three songs within the Emergence playlist, I listened to them all and found three of the ones I found most catchy or least annoying. Because I am a ccMixter outsider, though, I am not fully capable of understanding the which musical content is meaningful and what is not. The fact that they are separated from other musical activity, such as radio, commercial songwriting, and live performance creates a context in which one of two outcomes is possible–either the collective development of aesthetics on ccMixter evolve of their own volition into songs that only insiders can appreciate, or they are out of touch with common aesthetics of popular music because of the unique, nominally nonmusical group of people, which results in glaringly amateurish content. I suppose both are possible, and these facts serve to further insulate the community from

ever becoming mainstream, even though this has never been its purpose. However, it is not useful to compare ccMixter's output to what we hear on the radio or in a typical live DJ set, because these are settings from the "outside." As insiders, they understand and continue to create meaningful content in a novel way, and a lack of understanding on my part simply demonstrates that I am an outsider, too.

The musical analysis will consist of three different songs: "pROgraM vs. Us3R" by morgantj, "Emergence vs Accension" by medicisoundsystem, and "Emerging (tech house mix)" by Magic Moon. All 3 are electronic pieces that fit into the broad category of dance-oriented music. In addition, all three use a pell by the user Snowflake called "Emergence," which is a spoken-word poem that was recorded specifically for the Emergence pell collection. The three remixes use other samples too, but do not share any others mutually. This analysis will consist of a close listening of each song, and it is highly suggested that the reader find the songs themselves online (see Appendix A URLs). Also, by interrogating each user's past at ccMixter (their comments, musical output, and playlists), a richer sense of their overall involvement can be gained.

Additionally, I will home in on the meaning of the "Emergence" pell, in each of its iterations in these 3 remixes. My hypothesis is that, even though the audio content remains the same, its contexts give it a completely new meaning, which is somehow appropriate for the theme of the call for remixes (Emergence, in this case). Since the rest of the musical material demonstrates tropes found in electronic music, the line of questioning I am interested in interrogates the change that the pell causes, and can be

demonstrated by such queries as: Where, chronologically, in the remix does the pell appear? What precedes or follows it? How loud and where in the stereo image does it appear? How does the pell either bolster or transgress genre categories? How does the discourse about the pell imprint it with certain affective expectations?

These were the instructions given for the Emergence Call for Remixes:

> "All musical styles are welcome, but a special set of remixes in the style of tech-house, deep-house and downtempo will be spun by DJ Quenique, live, at the opening! Please submit spoken word, pellas and samples by Jan 18 so mixters have an opportunity to work with your source prior to the deadline. (We're hoping to get several in the key of A and 125 BPM for ease of tech/deep-house remix curation). The deadline for remixes is February 5, 2011. To be included in the Emergence playlist, your remix must contain at least one source from the Emergence event pell or sample pool. It would be great (although it is not necessary) if everyone who submits source material for this event, also creates a remix." (ccMixter 2011)

In an effort to get away from a purely descriptive form of interpretation, I employ a subjective narration of what seems to be happening at a subtextual level. This type of narration is largely informed by observing the behavior of users on ccMixter, as well as thinking over the ideological stimulus for ccMixters remixing in the first place. However, as an outsider, I am also compelled to consider the influence of dominant musical forms (or lack thereof), which ccMixter always has a "doppelganger" of in the outside music world. For these three examples, electronic genres act as the dominant form. This dominant/subdominant divide should not be considered in terms of hegemony and resistance, which might be tempting considering some of the content of the previous chapter, but as ccMixter is a very insular community that has no obvious concern with

connections to the outside world (economic or artistic), it can be considered in terms of separate universes that, although they might have some occasional crosstalk, they are not concerned with one another in even unconscious ways.

"pROgraM vs. Us3R" by morgantj

"pROgraM vs. Us3R" is a synth heavy, electro-house track that is 2:55 long (ccMixter: 2011). Its instrumentation consists of a thunder sound effect, a drive-by sound effect, two monophonic synths (one a smooth, sine wave oscillator and the other a saw-tooth, filtered and distorted), a drum machine reminiscent of a TR-808, and the Emergence pell. The song's form is nonstandard, and can be looked at with the aid of the following timeline:

0:01-0:03 – Sampled Thunder

0:03-0:06 – Synth 1 Enter

0:06-0:08 – Drive-by sample

0:07-:0:13 – Kick drum intro

0:14 – Beat Enter

0:22 – Synth 2 Enter

0:35 – "Emerging" line from the Emergence pell

0:45 – an unintelligible word from the Emergence pell

0:57 – "Emergence" line with audio processing

1:22 – Break with kick on quarter notes and unintelligible Emergence word

1:28 – Drive-by sample

1:36 – Drive-by sample and return of beat

2:14 – Second breakdown to only synth 2

2:22 – return of beat

2:42 – 4 bars of kick on quarter

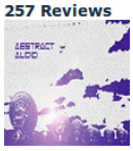
2:51 – end with thunder sample

An analysis of this track by an outside mind that listens to music from dominant cultural forces, such as the electro that is spun in clubs or what is currently popular on Internet radio stations for electronic music, quickly reveals several things about this track that cause it to transgress normative forms and standards. As a remix that is only 2:55 long, it would never be considered for a DJ set because of its brevity. A typical electro track is at least 6 minutes long, and possibly longer. Additionally, its form is quite haphazard compared to the fairly standardized form that dance music has come to inhabit. Although all of the elements of an electro[7] track are present in "pROgraM vs. Us3R," their placement is clearly used in unconventional ways that is most likely a result of the creative license morgantj has taken, as opposed to an initial recognition of standardized form and subsequent departure.

Considering the rhetoric about the song on ccMixter, users are quick to compare it to electronic superstars Daft Punk and their recent movie soundtrack for the new *Tron* (see figure 3-3)

[7] Electro is the most recent iteration of a long lineage of house music that has its origins in the early 1980s and has always been written with dance in mind. Related genres include Minimal House and Progressive House.

Abstract Audio
257 Reviews



Sat, Jan 29, 2011 @ 11:46 AM permalink

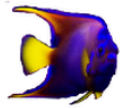
It sounds like this could be soundtrack from the trailer. I defintly hear the motors and there's a story in this track. I love the action of all the synth parts never a dull moment. The nice fat bass sound and great synths make this a great track!

added to my favourits

morgantj Mon, Jan 31, 2011 @ 10:44 AM **permalink**

Thank you.

musikpirat
77 Reviews



Sat, Jan 29, 2011 @ 2:36 PM permalink

Catch of the day!

http://musik.klarmachen-zum...

Admiral Bob
1325 Reviews

Sat, Jan 29, 2011 @ 6:55 PM permalink

I'm a sucker for anything that starts with thunder. The high speed beeping and synths certainly tells a story about fast cars thundering down the road, to second Abstract Audio.

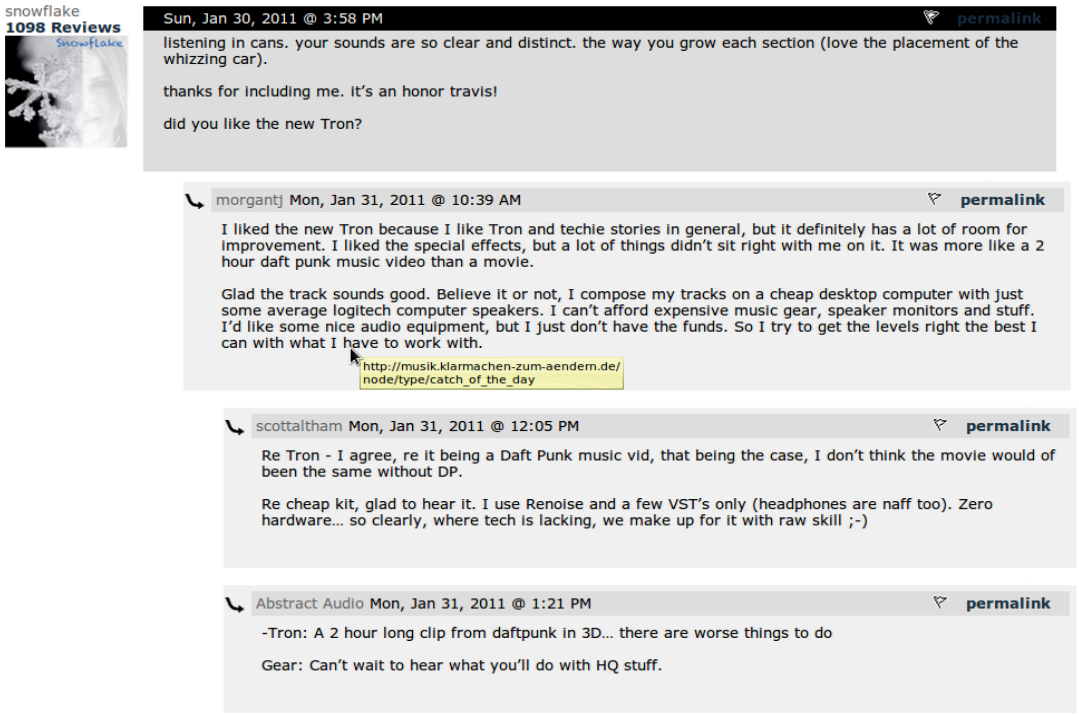


Figure 3-3–A screenshot of forum discourse concerning "pROgraM vs. Us3R"

The similarities, whether real or imagined, are not worth debating. Morgantj is quick to admit the amateur hardware and software he works with, which is most likely nominal for many ccMixters. As a community of amateur artists that can harness the power of computer processing, expensive hardware is no longer a barrier to entry. Because of inexpensive music creation solutions, in fact, the world has seen a proliferation of music production whose only "bottleneck" is the creative process. In many cases, software piracy also goes hand in hand with inexpensive audio hardware, because as amateurs have relatively small budgets, it is simple to find audio production software online for free. As a result, some of the sounds that are produced by amateurs are what might be expected for a genre, but lack in some critical area, such as song form,

mix levels, composition, and pop sensibilities that professional songwriters spend years honing.

Such is the case with "pROgraM vs. Us3R," in which there are some clear marks of either ignoring or being unaware of trends within popular electronic music. If they are being ignored, then the ways in which morgantj ignores them also defy normative aesthetics. However, if he is unaware of these aesthetics, he gestures at these trends in unveiled ways that suggest some exposure. The ways that drum loops come in and out is very fleeting, and provide rhythmic continuity for only 25 or 30 seconds at a time. Within electronic music, there is a value to maintaining rhythmic consistency, especially when the function of such music is dancing. Also, the mix is spectrally narrow, not engaging the high or low ends. A professional mix would attempt to remedy this problem either in the mix or mastering stages of production. Thirdly, the texture of the piece remains quite thin, never expanding timbrally beyond the two synthesizers, neither of which takes on the role of supplying a bass line. Although electronic dance music consists nearly entirely of drum machines and synthesizers, they usually have delegated roles, and are even manufactured with these in mind (some are designed as bass synths, as lead synths, or as "pads" that fill in textural holes). Lastly, the stereo image is too centered to be considered appropriate for a professional recording, a mistake often made by users new to concepts of mixing stereophonically.

Despite all of this, the feedback that morgantj receives is electrifying. The remix was even synched with a YouTube video featuring a side-view of an airplane flying

through the sky. This leads an analysis of the musical content in the direction of considering how ccMixters consider their own musical output, as is demonstrated partially by the comments above. There is a certain amount of respect that is shown and then reciprocated when a user samples another ccMixter's content. Snowflake, who produced the Emergence pell, expresses her gratitude, as is typical of her reviews of remixes in which she's been included.

Another key aspect of the discourse surrounding this remix is the focus on camaraderie that most users express. Since the existence of ccMixter is predicated on a shared ideology, building report with fellow members is central to the maintenance of feeling like a community at all. Because of this team-building attitude, very rarely are negative comments found in remix reviews. They are nearly always positive, perhaps because of the lack of genre contingencies that are put on the track, and also because of the importance of affirming the musical content of individuals who might not be used to artistically exposing themselves to a group of people. With morgantj, the role of "amateur" provides a justification for these particular actions and behaviors.

"EMERGENCE VS. ASCENSION" BY MEDICISOUNDSYSTEM

"Emergence vs. Ascension" is a chill house track that stays truer to genre specifications than "pROgraM vs. Us3R." The descriptive tags that the remixer, medicisoundsystem, uses are "house," "tech," "progressive," "vocals," "spoken word," "electronic," "synthesizer," and "chill." It is 8:27 long, and fits the form, sonic texture, and instrumentation expectations for the stylistic category. The Emergence Pell is put up

front in the mix, and is used in its entirety a number of times. In addition, it is processed to shift the pitch and temporal qualities of the vocal performance, dropping it down several octaves and delaying it in the stereo field to give it a feeling of mystery and multidimensionality. As a formative element of the song, its lyrics can be considered more influential to the entire aura that the song attempts to invoke. For that reason, here are the lyrics to the Emergence pell in their entirety:

> Inspiration ignites
> An invisible channel
> That opens
> Between machine
> And
> Soul
>
> Fingers
> Become mere extensions
> Hands
> Only servants
> To a vast, silent source
> Unseen
> Yet, irrefutable.
>
> I let go
> And lose any
> Separate identity
> From this Infinite fountain,
> That pours a river of heaven
> Through me.
>
> We
> Merge
> Like the Star,
> Whose golden cups
> Paint the Universe.
> Her creation
> Absolves time.
>
> Now

Emerging
From Conscious
Undercurrent

Art
Is
Born.

Figure 3-4–Discussion of "Emergence vs. Ascension" on ccMixter.org

This poem was written specifically for the Emergence gallery opening, and Snowflake's explanation of its purpose is "to describe what it's like to create—music, art, poetry, etc. I learned, words are in insufficient!" (ccMixter 2011) In combining this description of the creative process with the futuristic nature of electronic music, several layers of mystique come together to form an ideal, unattainable techno-utopia that is enacted only through listening to the music. Just as in "pROgraM vs. Us3R," where futuristic moving images of a virtual world are conjured up to imagine a place that exists within cyberfuturism, "Emergence vs. Ascension" succeeds in connecting the longing within the Emergence pell with a background of sonic elements that move it into a new space characterized by virtuality and the cyborg self.

The following is a timeline for "Emergence vs. Ascension:"

0:00-0:30 – Emergence pell and pad intro

0:30 – Drum beat enters

1:05 – Resurgence of Emergence pell

1:25 – Bass Synth

1:49 – Lead Synth

2:44 – "Art is born" line repeated, chord change

3:46 – Complete break and return with pell, bass synth and drum machine

4:52 – Lead Synth enters

5:20 – Drum break, pad and lead synth remain

5:54 – Drums re-enter

6:55 – Drum reduces down to hi-hat, leaving pad and lead synth and low bass synth

7:57 – hi-hat fades, leaving pad, lead synth, and Emergence pell

By using the entire pell, medicisoundsystem succeeds at fulfilling the requirements for getting onto the playlist, and most likely ended up on the DJ set that was spun on the night of the Emergence gallery opening at Art Lab. Although its instrumentation is nearly as sparse as that of the first track, the timing with which elements are brought in and out of the mix provide for textural differences that keep the momentum of the piece for the entire 8 minutes. It seems as though medicisoundsystem's remixes are often accompanied by pells of snowflake, the user that submitted the Emergence pell (there are 4 other remixes of the total 8 that he has uploaded that use snowflake as samples).

It should be mentioned that the way that ccMixter is set up allows for samples to be tracked according to who uses them in a remix as well as who might "remix a remix." This means that the entire evolution of a sample can be tracked easily, without the guesswork and musicological training that often is required for the investigation of samples in popular music. Samples that have high cache, such as the Emergence pell, carry an intrinsic weight of their own because of their high profile, and are often only produced by users that have high status due to the length of their activity on ccMixter, their position as an admin, or the number of reviews and forum posts they have made.

Medicisoundsystem's familiarity with electronic music seems more nuanced than morgantj's, and this is also evidenced by the tags describing the types of music he listens

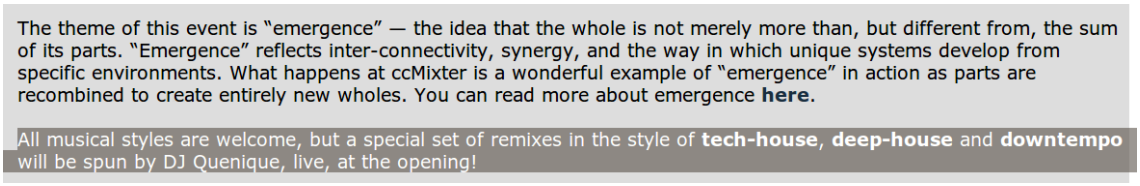
to and composes: “House,” “Deep and Progressive,” “Lounge,” and “Trip Hop.” He seems to straddle the worlds between mainstream dance music and what exists within the boundaries of ccMixter, but is most certainly an amateur, like most ccMixters, who does not factor financial profit into the motivation for creation. His use of samples and the Emergence pell are only a small part of the overall sonic texture of his remix, whose harmonic and melodic aspects are composed. This differs from a large number of remixes on the Emergence playlist that use samples that contain melodic lines, often featured in the forefront of the mix.

Despite the discourse of collaboration that often takes place on ccMixter, the sonic elements of medicisoundsystem’s remix demonstrate the moves toward individuality that any compositional method produces. One of the stakes of participating in ccMixter is collaboration, otherwise users would be better off participating in one of the other communities mentioned in Chapter One, such as Aviary or Indaba. As a highly principle-oriented group of users, ccMixters pride themselves on the ability to create individuality while pursuing the interests of the group, although, at times, these two seem to be in tension. Although completely original songs are allowed on ccMixter, they are hardly put in the spotlight. The most acclaimed remixes are ones that combine pells and samples in new and interesting ways.

“Emerging (techno house remix)” by Magic Moon

Magic Moon’s remix, “Emerging (tech house remix),” uses a minimal amount of sampled content, just like medicisoundsystem’s “Emergence vs. Ascension.” Besides the

two pells, one of which is the Emergence pell by Snowflake, this remix is marked by its close attention to stylistic considerations. As the name suggests, Magic Moon was specifically interested in the mandate put forth by Snowflake at the beginning of the call for remixes (See figure 3-5)


The theme of this event is "emergence" — the idea that the whole is not merely more than, but different from, the sum of its parts. "Emergence" reflects inter-connectivity, synergy, and the way in which unique systems develop from specific environments. What happens at ccMixter is a wonderful example of "emergence" in action as parts are recombined to create entirely new wholes. You can read more about emergence **here**.

All musical styles are welcome, but a special set of remixes in the style of **tech-house**, **deep-house** and **downtempo** will be spun by DJ Quenique, live, at the opening!

Figure 3-5–Snowflake's mandate for the Emergence remixes

Magic Moon's musical interests cover a wide array of musical styles: breakbeat, dubstep, heavy metal, trip hop, hip hop, pop, and downtempo. Of the 51 tracks he's submitted, all of these genres are represented, and this was not the first tech house track he created. Tech house, as well as deep house, were the requested style for remixes for Emergence, because, as indicated above, a DJ would be spinning selected remixes live during the gallery opening. Although all the tracks submitted were played during the sonic installation, the DJ set was a more specific set of songs that were chosen by the DJ. The following is a time stamped chronology of important sonic events in "Emerging:"

0:01-0:09 – Opening synth riff, repeated throughout

0:09 – Spoken words "I'm awake from this dream, lifting my head to the sky"

(not part of the Emergence pell, and not part of the other sampled content, so my assumption is that it is original

0:15 – Beat drops, simple drum machine and synth bass line, accompanying synth adds texture and reinforces shuffle rhythm

0:46 – synth riff is repeated at a faster BPM, creating tension between established rhythm and asynchronous sonic events

0:54 – Whispered lyrics “Breathe, just breathe.”

1:32 – Break – hollow, marimba-sounding synth and auxiliary percussion (dumbek?) remain with main synth riff

1:47 – Further breakdown with just percussion and electric piano stabs, whispered “We merge” from Emergence pell

1:55 – return of a more aggressive, rhythmically active beat

2:19 – return of synth riff

3:20 – beat falls away, “We merge” repeated

3:37 – aux. percussion returns, paired only with occasional synth riff and floating “pad” ambient piano sounds

4:06-5:22 – Emergence pell is quoted in entirety over repeating synth riff

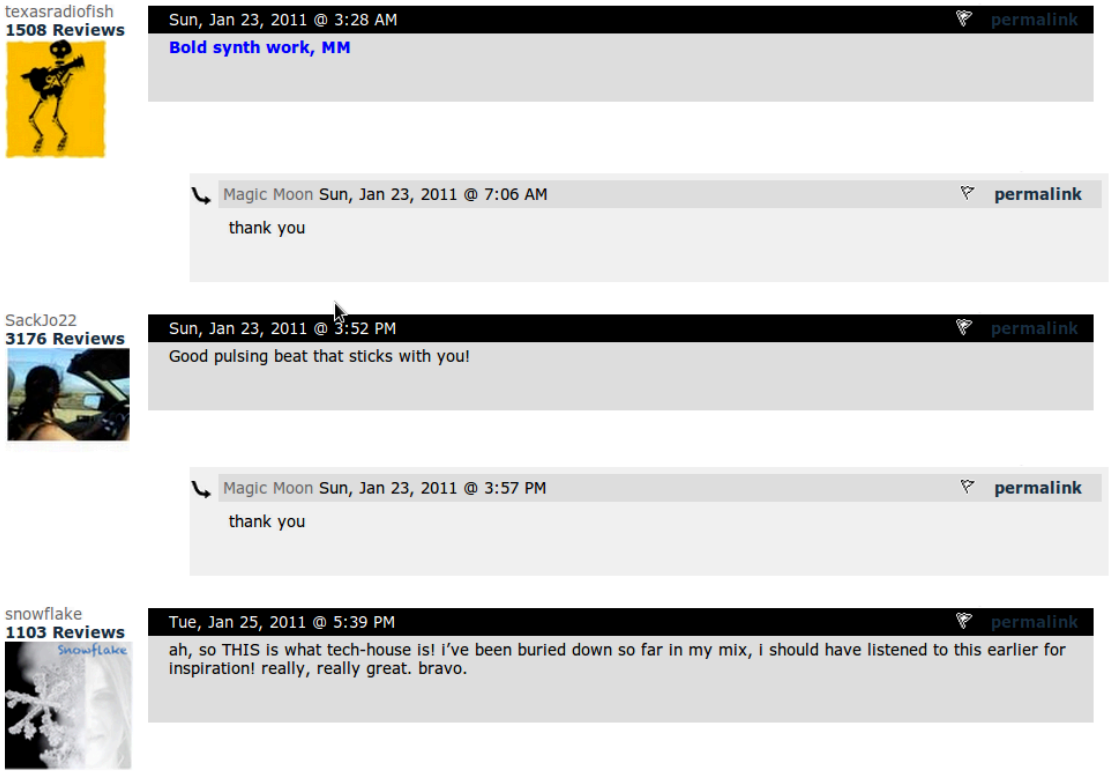


Figure 3-6–The discussion regarding Magic Moon's "Emergence (techno house remix)"

The role of the Emergence pell within this track is different than the other two in that its thin texture and lyrical content lend themselves to the song ending peacefully. The recurrence of the synth line and its constant beating add tension that suggests conflict, and the pell acts as a pacifier, and ultimately, as a mood changer for the entire track. In terms of standard format, this song is more concerned with genre considerations than either of the other two (in fact, genre considerations have increased through the three remixes I have taken a look at). This is evidenced by the reasoning he gives for the format of the song (see figure 3-7).

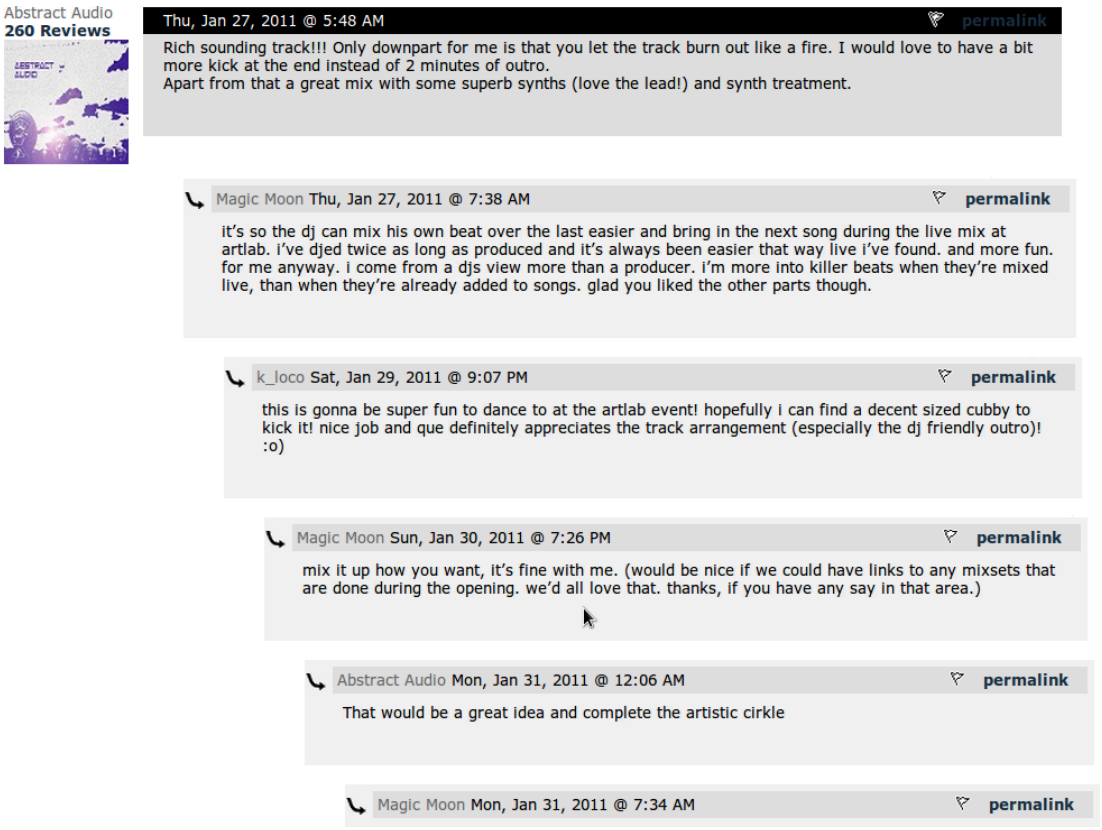


Figure 3-7–Further discussion of the remix

From this discussion, it is clear that the song was written as a functional piece of music that was informed by Magic Moon's DJing experience more than by his desire to collaborate effectively. By dynamically tapering the end off, he allows a DJ to mesh two songs together. So even if this is aesthetically counter-intuitive to Abstract Audio, the context for this song was originally sandwiched between two dance tracks.

In looking for ways that value differences are created within ccMixter, the selection of tracks creates a reasonable way in which certain tracks are granted privilege over others. Although there isn't any information available regarding the tracks that were chosen for the live DJ set, it can be assumed that they all did not make it there. According

to the DJs website, he performed on both nights of the gallery's showing, and it can be assumed that he spun for an hour or so (this is approximately the length of the number of dance-oriented remixes that were created). Although genre considerations (like that of Magic Moon's "Emerging") create some disposition toward certain songs, the creation of an exclusive list of songs can do nothing except violence to the remixes that were not selected.

It should be noted that, although I tried valiantly to choose songs that were worthy of documenting, other sets of remixes would have been equally appropriate for noting the politics that play out through sonic enactment of collaboration. Politics of gender, sexuality, nationalism, class, and any other power container could be viewed through the discourse on ccMixter, even though some of these conversations would prove more fruitful than others.

ccMIXTER AND GENDER

In searching for deeper-seated issues of sexuality in ccMixter, I stumbled upon a forum thread in which the very issue of gender was brought up, but then quickly repressed (see figure 3-8).

Surveillance_Party
29 posts

Mon, May 12, 2008 @ 9:36 AM **permalink**

There will be sweeping generalisations in this post. I hope that this thread will be an ongoing discussion of its subject matter, despite no doubt being pulled off course at times. So onto the main course!
————————————
Many Men come here looking for vocals that can be turned into songs!

Fewer, but still numerous Women come here, to record there vocal(ity?) into things that they hope can be beautifully musically realised!

There are many exceptions, but this convention is so firmly established that we have begun to talk about "DNA", mother side and father side, in most cases Mother being the female uploaded pell, and Father being the music.

You might not think this is strange, or even true, but I do.

I Loveall the amazing female pells put up here, they truly inspire me. Sometimes when I go searching for the male pells (I don't really do rap) I just feel like even though they are good I have so little to choose from.

So maybe:

Remix pro's, all you fella's, get on the mike and sing it!

I'd like to remix more male vocals, and I would like to have alot more choice about which male vocals I Remix.
————————-
I'd love to go on and on about the creative and analytical sides of the brain, and make some sweet stereotyping gender comments about these, but I think I might refrain for now! *wink*

spinmeister
439 posts

Mon, May 12, 2008 @ 10:38 AM **permalink**

ahhh good, finally a thread where the conversation could not possibly go wrong ;-)

more seriously, I don't find a shortage of male a cappella's, but maybe I'm statistically challenged?

Surveillance_Party
29 posts

Mon, May 12, 2008 @ 11:57 PM **permalink**

My god i just re-read this post. What the hell am I on about? sheesh. Don't mind me, i'm going to go and sit on a mountain somewhere...

spinmeister Tue, May 13, 2008 @ 11:51 AM permalink

as long as you take your remixing equipment with you, because whatever you do, remixes have to be done! :-)

duckett Tue, May 13, 2008 @ 5:59 PM permalink

...and if you can't remix, at least bring a field-recorder of some type; we'd love to hear some howling mountain-top winds, or at least some hopefully-not-frostbitten observations ;-)

Surveillance_Party Wed, May 14, 2008 @ 12:15 AM permalink

ok I'm on it, I'll go find one with those crazy throat singing monks and bring back some pells!

spinmeister Wed, May 14, 2008 @ 1:06 PM permalink

now you're talking! :-)

duckett Wed, May 14, 2008 @ 1:49 PM permalink

Here you go.

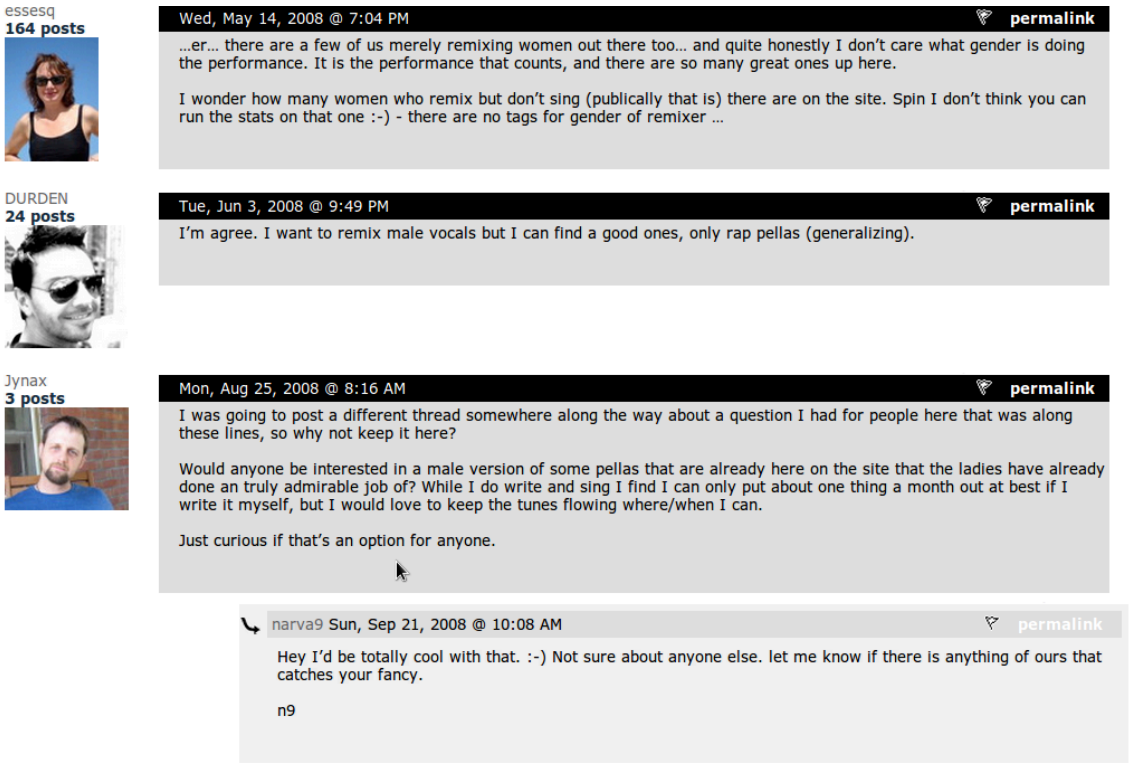


Figure 3-8–Discussion of gender on ccMixter.org

I became interested in the idea that if certain musical content, and by extension, areas of the website, are gendered, then this is the starting place for observing the negotiation of power. The instant dismissal of gender inequality on ccMixter may be explained by the suggestion that it is merely a straw man–that is, there is no gender inequality, and Surveillance_Party was reading into things too much. Alternatively, the construction of a female artist on ccMixter may inherently include an inequality that is worth analyzing.

In her book *Pink Noises*, Tara Rodgers explores the history of electronic music and the ways that electronic noise can become gendered through exoticization, orientalism, and empowerment. By looking at issues of embodiment, human/machine

interaction, and the natural/synthetic dichotomy, Rodgers is able to infuse the old categories of male and female with new identity parameters such as vocalization and distinct compositional processes. She also argues for a revised reading of the history of electronic music: “There are rhetorical approaches that have marginalized women’s work in electronic music histories….Such tokenistic representation often means that women’s compositions are not analyzed….This pattern enacts double reinforcement of electronic music’s male lineage, gendering important stylistic developments as male” (2010: 11-12).

The body and its role in electronic music is especially pertinent here, and they are discussed in detail in section five of *Pink Noises*. Comprised mainly of interviews with female electronic musicians, the book gives accounts of how physical bodies interact with technology to produce extensions of the imagined self. “The technologized body itself becomes a tool for manipulating language and narrative structure…the interfacing of bodies and machines in electronic music facilitates play with the sonic materiality of language, the embodied production of knowledge, and expectations about gender in musical performance” (2010: 202). As I look at a specific vocal pell by a female artist on ccMixter, the gendered, sexualized body that we imagine to be present plays an important role in the way the pell itself is interpreted in different sonic contexts.

There are three additional remixes I have interrogated for a notion of gender, all using the same vocal pell. In a pell entitled “Ophelia's Song,” the artist Marinella Mastrosimone sings a slow, evocative melody wrapped around a largely minor, wistful tonality. The vocals are also sultry, and the lyrical content deals with the behavior of a person in love and the irrationality behind their decisions. By using just her voice,

Marinella suggests a loss of control, something that is a typically female behavior and one that cannot be helped. I chose this song while actively looking for an example of what had wound Surveillance_Party up so tight—female vocals that are unquestionably sexual that easily represent the female subject. In addition, I was searching for a track that had multiple remixes in order to demonstrate the role that context plays within defining sexuality online.

The three remixes that the pell is featured in include Ophelia's Lounge by CDK, Dizzy by morgantj, and Ophelia's Song (DNA Remix) by DNA. Throughout these three remixes, there are very few similarities of sonic texture, song form, or genre classification. They feature the pell in varying degrees, from up front and centrally located (in the case of Ophelia's Lounge) to merely motivic and fragmentary (in Dizzy).

Ophelia's Lounge

– Downtempo

– Dub

– Atmospheric

– Fender Rhodes

– Largely melancholy and slow moving

– Delayed vocals

– Sparse, thin texture

– Energetically Flat

Dizzy

– House remix

– Bass synth

– Frenetic

– Pell doesn't play such a large role and slightly displaced, heavily manipulated

Ophelia's Song (DNA Remix)

– Most harmonically complex

– Strings

– Rhythmically punctuated

If we are able temporarily to ignore the sonic differences present in these three tracks, then some preliminary conclusions can be drawn concerning the sexual meaning with which we load the voice. As Susanne Cusick states, “voices are always performances of a relationship between the individual vocalizer and the vocalizer's culture” (Barkin et al 1999: 29).

By approaching the subject of the voice from a performance perspective, Cusick's statement assumes that the performer is synonymous with the performance. However, what happens when the voice is disembodied? And to further complicate the interrogation, what happens when it is disembodied in a variety of ways? Does each performance lend its own notions of sexuality? If this is the case, then Barthes’ claim in Death of the Author that text and composer are unrelated lends credence to the assumption that each new rendition of Ophelia's Song will arrive at the listener's ear with a new meaning (Barthes 1992: 142).

As we stay within the mindset of understanding iterations of Ophelia's Song as the

same vocality with differing accompaniment, we might see the voice itself as repeated, over and over, and repetition is a concept that should be understood as highly flexible. Judith Butler sees repetition as "never simply replicas of the same" (1993: 226). By "citing" a source, such as is always the case within ccMixter, a coded meaning both implies the history of a sample as well as the future that is being shaped. To clarify, I once again quote Butler on this point, "No term or statement can function performatively without the accumulating and dissimulating historicity of force" (1993: 227). Therefore, the flexibility of a pell is dependent on its new iterations, of which there are approximately 65 (ccMixter: 2011).

However, samples themselves could be viewed this way too. Just like authors are often the subjects of post-structural explorations, the author of material placed under Creative Commons has the ability to see itself as disconnected in two ways: (1) from the physical source from which it originated, and (2) from any intent with which the author loaded it. Thus, a guitar sample that was originally designed for a rhythmic funk track might be slowed down and used as an ambient filtered noise within an Electro-house track. The point here is that, regardless of how mangled samples become, it all comes back to service the author in the form of power and reputation, especially when that power comes through discourse.

The purpose of this chapter was to interrogate the currency of ccMixter – collaboration – through the objects that it values: remixes, pells, and samples. Simultaneously, though, I have kept in mind that some ccMixters are privileged compared to others for space on certain playlists, podcasts, DJ set lists, and remix

reviews. While these two paradigms live in tension with one another, the thing to remember is that, despite a thorough and emphatic discourse on egalitarianism, individuality and creativity are equally stressed, and the devices put in place by Creative Commons allow for both paradigms (egalitarianism and differentiation) to coexist.

Conclusion

This project was concerned with the mismatch that exists between policy and practice in the spheres of Intellectual Property and online musical practices. What I have aimed to do is demonstrate that these two spheres do not exist autonomously, but inform each other at a number of interchanges. The politics of the parties involved, such as corporations, IP revisionists like Creative Commons, and online music communities like ccMixter.org, all influence each other. Simultaneously, the space that Creative Commons has created with ccMixter allows for a type of discourse that references itself without outside signifiers.

With the widespread proliferation of the Internet and personal computing have come equally impressive changes in musical practices. These changes are comprised of file sharing, streaming, Internet radio, home studio production, and online distribution. Because intellectual property policy was designed for a pre-Internet era, it has failed at adequately protecting digital content and encouraging creativity. Provisions such as the Digital Millennium Copyright Act and the Internet Radio Fairness Act that attempt to unify global IP and provide incentives for authors to create in the new media climate have failed to bring the law into line with the norms of user behavior. The music industry and proponents of "free" content agree on the ineffectiveness of such weak legislation. However, solutions to this problem are highly contentious because of the ideological stakes of each argument.

If the parties involved can be simplified to a binary for the sake of categorization, then federal governments and corporate interests exist on one side of the line, while

copyright and Copyleft activists and many academics exist on the other. The gradual and limitless expansion of the scope of copyright terms summarize the position of corporations and governments, while more relevant and open terms for intellectual property characterize the stance of activists and academics.

I began this study by looking at the history and importance of the remix. In its earliest stages, it existed in Disco and Dub music as a technique to extend a radio mix into a dance-oriented musical form. It outgrew this function very quickly, however, and began being included in other genres, such as hip hop, techno, and electronica. With the advent of sampling in the early 1980s, using short pieces of audio from existing songs allowed producers to garner respect for themselves and the artists they were sampling, which I see as a natural extension of the remix concept. Now, at ccMixter.org, users sample each other in a nearly airtight environment, allowing a unique culture to develop around specific musical content.

I first discussed ccMixter.org and its parent organization, Creative Commons. I also compared it to several other musical websites that have slightly different approaches to thinking about how music shapes a community and how this differs from geographically-situated communities. Lastly, I explained the need for a hybrid approach to fieldwork online that involves both ethnographic and data-centric research.

I then explored the various online music communities that exist in a liminal space between conventional IP schemes and new attempts at fair legislation. Although some of these communities exist outside the boundaries of "popular music," some of them seek to situate themselves squarely within the realm of popular music that both monetizes and

reaches a mass audience. Creative Commons, the most successful and comprehensive attempt at solving the IP dilemma, has provided the simplest and most visible examples of why policy revision is needed.

Because IP policy has greatly influenced musical practice online, I further examined the politics of Intellectual Property schemes and of current online musical activity that fails to align itself with legal policy. I also discussed the technological innovations that have paved the way for online musical practices to take precedent over nearly every other "mediascape" including television and radio. Thirdly, I took a look at the psychological tendencies of Internet users who download music illegally, as this provides a specific instance of the broader conundrum of the mismatch between policy and practice.

To take a closer look at how IP policy has affected an online musical community, I investigated three different remixes produced by ccMixters and the relationship they have to discourse on the website. Relating the website's forum dialogue to the sounds of the remixes themselves allowed me to describe the ways in which meaning is constructed at ccMixter. Through a general sentiment of egalitarianism and camaraderie, a vertically-oriented society is created that values some content above others. This paradox, although not new or particular to the Internet, does highlight the coexistence of two value systems. Or, alternatively, the egalitarian ideology of Creative Commons may be seen as a conduit through which a discourse of free choice and differential travels.

In the future, I hope to look at other online communities that are not as marginalized as ccMixter. I would also be interested in researching the connections

between physical and virtual communities, as mutually influential pairs occur more frequently than either one in isolation. For instance, at such music festivals as Austin City Limits and South by Southwest, the impact of social networking has changed the modes of communication that artists use to "talk to" their fans, as well as how fans talk to each other. By looking at the virtual aspects of this communication, I suspect that I will find that a richer online discourse does not displace former methods of communication, but rather augments them.

There are many readily visible examples of virtual interactions influencing the physical. Let's say an LA-based band is performing at South by Southwest for the first time. Their music is currently featured on a few well-known blogs, which has created some buzz amongst a few early adopters. The band also has a Twitter account that these fans begin following, as well as a Facebook page that features tour dates, new singles, and a list of all fans. The exposure created by these virtual venues affords them larger audiences when they perform at SXSW, which in turn creates more media buzz. If such inertia is channeled strategically, this band will successfully launch a career and begin playing the festival circuit and becoming a mainstay with their fans. This entire scenario is a real account of a band that has yet to even record an album, yet has a cult following, has been featured on NPR, and is playing a number of major festivals during the summer of 2011 (Sanchez 2011: 1).

Another interesting area of exploration is the mapping of the virtual onto the physical. With the widespread adoption of location-based information, Internet users virtually "check in" at physical locations using a variety of smart phone apps such as

Foursquare, Twitter, Gowalla, and Facebook. This lets their friends and the general Internet-faring public know where they are, ostensibly allowing their virtual "body" to coexist with their physical body. Just as showing up in a place communicates something about a person's values and interests, checking in at a music festival communicates to the entire "Twitterverse" similar important information.

Just as the "medium is the message" for old media like print and radio, it seems the same rings true for mobile Internet users. I have yet to determine exactly what distinguishes "checking in" from writing a magazine article or even using Facebook and Twitter on a stationary computer. However, if we use Twitter as an example, which is easy because of its idiosyncratic format (only 140 characters of text are allowed in one post and a "hash tags"), we can quickly see that timeliness and brevity become more important than loquacious insight. By showing up and checking in, a user makes a statement. Because the message must be brief and instantaneous, tweets can comment on a band's performance, use a hash tag that enters them in contests to win merchandise, and require shorthand that demonstrates Twitter's internal logic.

A third area of interest that could stem from this project is ways in which Creative Commons users monetize their work. A recent publication, *The Power of Open*, provides a series of success stories of musicians, film makers, scientists, and business owners who have adopted Creative Commons and are being creatively and financially productive. To me, this possibility for financial stability is what separates CC from some of its Copyleft alternatives. Through an increased user base, it has effectively provided an alternative to the hegemonic copyright regime.

Although regaining control of the distribution of an artistic product is important, of greater importance is the ability of artists to profit from their work. If we are to take a free market to task, then an artist's ability to profit from his or her work proves that a given system is working. Increasingly, making money is difficult for artists that abide by conventional copyright. Evidence of this can be found in the decreasing numbers of musical artists who get signed to major labels that have the publishing power to exploit a copyright to its fullest extent. Although any entity can technically publish and collect royalties through registering a work with the U.S. Copyright Office, several barriers to entry exist for individuals who do not have corporate backing.

In *The Power of Open*, CC advocates illustrate a number of ways in which adopters are being successful, one of which is fiscal success. They mention the creators of Indaba Music, which was mentioned as one of ccMixter's counterparts in chapter 1, as well as photographers and cartoonists who have generated an unprecedented amount of income after adopting CC. Graphic artist Nina Paley says, "I've never had more money coming at me than when I started using Creative Commons BY-SA. I have a higher profile. I don't spend anything on promotion. My fans are doing it for me and buying merchandise. Sharing put me on the map" (Ito et al 2011: 9). Paley is one of many to find creative *and* financial success through an alternative IP scheme.

It seems that CC's impact is growing. Because influential thinkers behind its development continue to advocate its implementation, such heavy hitters as YouTube are beginning to see its advantages. As of June 2011, licensing video content under CC is possible as an alternative to copyright, and nearly 10,000 items automatically received

such status (Xardin 2011: 1). What could be called the "virtual life world" of Internet users is gradually seeing an increased influence from Creative Commons. Practically, this growing influence manifests itself in being mentioned in mainstream news sources that many people read, as well as being used in more published works. Perhaps more so than any other source of information, Wikipedia has changed the model for communicating accurate, relevant information. Since it uses CC licenses for all of its content, an increasingly broad sector of Internet users has become exposed to its advantages.

Intellectual Property policy and practice, from a cultural perspective, impacts the modes of communication we use online. ccMixter provided an excellent case study for the noting importance of understanding and utilizing such policies and practices. As the Internet plays an increasingly important role in the lives of users who consume and produce musical content, it is crucial to understand the ways in which IP both affects and informs its cultural climate.

Appendix A

Morgantj – “pROgraM vs. Us3R” - http://ccmixter.org/files/morgantj/30328

Medicisoundsystem–“Emergence vs. Accension” - http://ccmixter.org/files/medicisoundsystem/30478

Magic Moon – “Emerging (tech house mix)” - http://ccmixter.org/files/RobbH/32280

cdk – “Ophelia’s Lounge” - http://ccmixter.org/files/cdk/6380

morgantj – “Dizzy” - http://ccmixter.org/files/morgantj/25525

DNA – “Ophelia’s Song (DNA Remix)” - http://ccmixter.org/files/DNA/7371

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